

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05061, Southwest Village Planned Unit Development, from AG Agricultural District and AGR Agricultural Residential District to B-2 Planned Neighborhood Business District PUD, requested by Kent Seacrest on behalf of Ridge Development Company and Southview, Inc., on property generally located at South Folsom Street and West Denton Road.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: Annexation No. 05014 (06-73) and Change of Zone No. 05062, (06-75).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/23/05
Administrative Action: 11/23/05

RECOMMENDATION: Conditional Approval, with amendments (6-2: Sunderman, Strand, Carroll, Esseks, Krieser and Carlson voting 'yes'; Pearson and Larson voting 'no'; Taylor absent).

FINDINGS OF FACT:

1. This proposed Planned Unit Development was heard at the same time before the Planning Commission as the associated annexation and change of zone to R-3 and R-4.
2. The proposed PUD consists of approximately 1,300,000 square feet of office, commercial and industrial floor area on approximately 237 acres, and a proposed layout for 80 townhome units on approximately 10 acres.
3. The proposed "Development Plan" is found on p.45-90, which also includes the Conservation Easement Agreement (p.80-88).
4. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.6-8, concluding that the proposal is consistent with the Zoning Ordinance and the Comprehensive Plan, provided that the applicant enters into annexation and conservation easement agreements.
5. The applicants' testimony and other testimony in support is found on p.15-17, including a request to amend the conditions of approval as set forth on p.102-105 (Also See Minutes, p.16).
6. Testimony in opposition is found on p.17-19, with concerns about the scope and scale of the development; light pollution; traffic; impact upon frontage and access for the Pioneer Gardens & Nursery property; impact upon the retail businesses at SouthPointe; and "urban sprawl". The record also consists of a letter with concerns about traffic and inadequate road infrastructure (p.107).
7. The applicant's response to the opposition is found on p.20-21.
8. On November 23, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 6-2 to recommend conditional approval, with the amendments requested by the applicant, except the amendment to Condition #1.3. The applicant requested to include "hotel, motel" uses along with the office and industrial uses in Condition #1.3, but the Planning Commission voted to retain the staff recommendation (See Minutes, p.16). Commissioners Pearson and Larson were the dissenting votes and were opposed to the "big boxes" in the proposal.
9. The Site Specific conditions of approval required to be completed prior to scheduling this PUD on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2006\CZ.05061 PUD+

DATE: May 8, 2006

DATE: May 8, 2006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 23, 2005 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval
by Planning Commission: November 23, 2005****

PROJECT #: Annexation #05014
Change of Zone #05061 - AG and AGR to B-2 PUD
Change of Zone #05062 - AG and AGR to R-3 and R-4

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Annexation and a change of zone for a B-2 planned unit development for approximately 1,300,000 square feet of office, commercial, and industrial floor area and approximately 150 dwelling units.

LOCATION: South Folsom Street and West Denton Road

LAND AREA: ANN#05014 - Approximately 463.8 acres.
CZ#05061 - Approximately 237 acres.
CZ#05062 - Approximately 99.14 acres.

CONCLUSION: The applicant must enter into both annexation and conservation easement agreements with the city. Subject to the conditions noted in the recommendation, these requests are consistent with the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:

ANN#05014

Conditional Approval

CZ#05061

Conditional Approval

CZ#05062

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

CZ#05061 - Lot 17 I.T., Lot 20 I.T., Lot 21 I.T. Lot 22 I.T., all in Section 15-9-6, of the 6th P.M.; Lot 20 I.T., in Section 22-9-6, of the 6th P.M.; and Lot 49 I.T., in Section 23-9-6, of the 6th P.M. ; all in Lancaster County, Nebraska, more particularly described in the attached legal description.

EXISTING ZONING: AG, AGR

EXISTING LAND USE: Agriculture, residential.

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Agriculture, Residential	AG
East:	Agriculture, Residential, Wilderness Park P, R-2	
West:	Agriculture, Residential	AG, AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg. F25 - The Land Use Map designates a Community Center and Light Industrial Center at this location.

Pg. F27, F-31 - The area within the proposed annexation is within Priority Area A of Tier 1 of the City's Future Service Limit.

Pg. F38 - General Principles for all Commercial and Industrial Uses

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Pg. F39 - Light Industrial (LI)

Size - Light Industrial areas should be a minimum of 50 acres in size, with larger planned centers preferred.

Description - Light Industrial centers are primarily for lighter manufacturing uses with some additional office and retail uses located within the center, such as the Chamber Industrial Tract at S. 14th & Old Cheney Road.

Spacing - Light Industrial areas should generally be distributed throughout the community. Particularly, new light industrial centers should be located in new growth areas of the city.

Pg. F45 - Community Centers ©)

Center Size - Community Centers may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet.

Description - Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed. One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads, such as Edgewood Shopping Center at S. 56th Street and Highway 2. Examples of existing single use centers are the office parks for Firethorn/ Lincoln Benefit Life Office Park at S. 84th & Van Dorn, and the State Farm Office Campus at S. 84th & O Street. Other centers may have more of a mix of retail, office and residential uses such as Williamsburg Village at S. 40th and Old Cheney Road.

Market Area - Community Centers can have a community wide appeal but primarily serve a geographic subarea within Lincoln and surrounding areas within the County. Depending on the mix of stores and other shopping opportunities in the area, existing Community Centers can have a market area that is quite extensive, even rivaling some Regional Centers.

Center Spacing - Community Centers should be located approximately two to three miles apart, depending upon their size, scale, function and area population.

Location Criteria - The general location of future Community Centers should be indicated in advance in the Comprehensive Plan. These locations are not intended to be site specific but rather to suggest a general area within which a Community Center might be developed. The Plan recognizes the strong need to further and support an evolving marketplace. Thus, the exact location of a Community Center should be designated in the Comprehensive Plan as part of the development review process. The community will not require market studies to determine the economic impact on existing development. However, new Regional and Community Centers will be generally sited in the Comprehensive Plan so that the potential impact on existing centers may be considered as part of the siting process.

Pg. F48 - Incentive Criteria - These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance:

The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive.

Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged.

Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers).

Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.

Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.

Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking - buildings shall be oriented to pedestrians.

Provide for transit opportunities in the center design.

Pg. F57 - The Greenprint Challenge Implementation Principles

Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of “getting ahead of the game” by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

Provide biological interconnection – Plants and animals do not exist in isolation. They interact with each other and reside within an integrated habitat. Implementation of the Comprehensive Plan needs to respect biological connections that exist today and provide responsive means for maintaining those associations.

Promote diversity of vegetation – Plants are a basic environmental building block. They provide habitat and food for animals, as well as aid in sustaining other vegetation that holds the soil and protects the water quality. Maintaining a diverse range of plants ultimately supports a healthier environment for all plants and animals.

Make “green space” an integral part of all environments – “Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.

Prevent the creation of a “wall-to-wall city” through the use of green space partitions – As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their on going maintenance.

Pg. F89 - Pedestrians -

Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed. Planning and developing pedestrian facilities should consider many factors:

- Location of existing and planned activity centers and districts, such as shopping malls, older neighborhood centers, libraries, community centers and schools.
- Requirements from the Americans With Disabilities Act (ADA).
- Needs of a growing senior population.

Pg. F95 - Trail and Bicycle Facilities Plan - A future trail is shown extending along Cardwell Branch and along South Folsom Street.

UTILITIES: Sanitary Sewer - Sewer is not adjacent to this development. The developer is proposing to build and pay for a temporary pump station and force main to serve the area. Alternate routes A and B for the force main have been proposed as means to connect to the City system located near South 7th Street and Warlick Blvd. Funding to extend the trunk sewer from approximately South 7th Street and Old Cheney Road to South 1st Street and West Denton Road is shown in the six-year Capital Improvement Program (CIP) for the years 2008-2010. The developer is proposing to operate the temporary pump station until the City has constructed the trunk sewer to serve the area, after which time the force main will be abandoned.

Water - Water is not adjacent to this property. Funding to construct the water main in South Folsom Street to serve this site is shown in the CIP in years 2009-2010. The developer is proposing to construct this improvement, to be reimbursed later when the programmed City funds are available as part of the annexation agreement.

Electricity, Gas, Telephone - Additional easements are required to accommodate all proposed lots, but all these utilities can be provided to serve this development.

TRAFFIC ANALYSIS: The Nebraska Department of Roads (NDOR) is completing plans to upgrade Highway 77, including a revised Highway 77/West Denton Road/Warlick Blvd interchange. The right-of-way required to accommodate the revised interchange has been acquired and construction is scheduled to begin in 2010. The PUD reflects the revised street alignments for West Denton Road and South 1st Street, and also provides a temporary detour for West Denton Road and Highway 77 while the interchange is under construction.

West Denton Road is a two-lane asphalt rural street. The Comprehensive Plan designates it as a principal arterial to be built as a four-lane with center lane facility. However, no funds are programmed in the CIP to improve it. West Denton Road 1,000' west of the interchange will be improved as a four-lane arterial street as part of the State highway project. The developer is

proposing to build the north one-half of the remaining portion of West Denton Road to South Folsom Street, with the remaining two lanes to be built by the City at such time funds are available to construct it and reimburse the developer.

South 1st and South Folsom Streets are both county gravel roads, shown as minor arterial streets in the Comprehensive Plan. South Folsom is to be built as a four-lane with center turn lane facility, and South 1st Street is to be built as a two-lane with center turn-lane facility. The developer is proposing to build the east one-half of South Folsom Street, with the remaining two lanes to be built by the City at such time funds are available. The developer is proposing to construct South 1st after the interchange is complete and to be reimbursed by the City in the future. There are no funds programmed in the CIP for improving these streets at this time. All streets internal to the development are private roadways, except Cardwell Drive which is a public street.

PUBLIC SERVICE: Areas annexed will receive all City services, including police and fire protection. The nearest fire stations are Station #4 at South 27th Street and Old Cheney Road, and Station #13 at West A Street and South Coddington Avenue.

ENVIRONMENTAL CONCERNS: Protection of the Cardwell Branch stream corridor and associated wetlands and sensitive areas.

AESTHETIC CONSIDERATIONS: The appearance of office, commercial and industrial buildings from Highway 77, considered a major entryway into the City.

ANALYSIS:

1. The PUD includes approximately 1,300,000 square feet of office, commercial, and industrial floor area. Part 1a of the development plan notes that the aggregate retail/service uses permitted in the PUD shall not exceed 800,000 square feet, and the PUD **may permit** an aggregate of office, hotels, motels, and industrial uses over 500,000 square feet. The I-3 area (approximately 68 acres) described in the development plan is designed for the LI center designation at this location. To comply with the 50 acre minimum area requirement in the Comprehensive Plan, a minimum of 500,000 square feet of appropriate uses must be designated. To comply with this requirement, Part 1a©) must be amended to say that “the PUD **must** contain an aggregate of office, hotels, motels, and industrial uses over 500,000 square feet.”
2. The PUD includes an area designated ‘R-5 Uses’ at the southeast corner of the site plan. It shows a proposed layout for 80 townhome units on approximately 10 acres of land. Outside the PUD, but included in the annexation is approximately 100 acres proposed for R-3 and R-4 zoning. There is not a specific development plan associated with this area, however it is subject to the terms of the annexation agreement. Prior to subdividing, the land must be platted in compliance with Title 26 (Land Subdivision).
3. Much of the required infrastructure is not in place to serve this development. Funding for arterial street improvements is not in the six-year CIP, and while funding for water and sewer improvements to serve this site are, they are not programmed until 2008-2010. The developer is proposing to construct the water main, two lanes in West Denton Road, and two lanes in South Folsom Street to serve the development to be reimbursed at such time as

funding is available in the CIP. A temporary pump station and force main are to be used until the sanitary sewer main is extended to the site, at which time the force main will be abandoned. As a condition of the annexation, staff is recommending the owners enter into an annexation agreement with City which specifies these financial responsibilities and timing of improvements. Additionally, staff will recommend that a provision be added to the agreement limiting the amount of development that can occur prior to the adjacent arterial streets being fully constructed.

4. The temporary pump station proposes two routes. Public Works is recommending Route A because it is more accessible and for ease of construction. Required changes relative to the siting of the sewer line are also noted and must be corrected to the satisfaction of Public Works. It is noted that the facility must comply with City's Lift Station Policy. That policy is attached as an exhibit to the annexation agreement, and compliance with it is one of the terms of the agreement.
5. The Highway 77/Warlick Blvd interchange is scheduled to be rebuilt starting 2010. The right-of-way has been acquired by the State of Nebraska for the project, and the new design is shown on the PUD. A temporary ramp will be constructed to allow traffic on both Highway 77 and Warlick Blvd to detour the interchange while it is under construction.
6. Public Works notes that the driveway connection on the north side of West Denton Road, east of South Folsom Street is not needed based upon the traffic study. Due to the anticipated traffic volume on West Denton Road, Public Works recommends that the driveway be eliminated. Access to Lots 3, 4, 5, and 6, Block 2 is provided by the internal street network and from Gailyn Court. Public Works has also noted that the traffic study assumes certain improvements at the South 14th Street/Old Cheney Road intersection in its recommendations. Their review comments were being revised to address this issue but were not ready in time to be included with this report. The comments will be provided when they become available.
7. The left turn lanes in Cardwell Drive at the intersection of SW 4th Street do not meet standards for length. Street connections to Cardwell Drive need to be revised to provide adequate left and right turn lane lengths. Additionally, right turn lanes need to be shown in Folsom Street at the intersections with Cardwell Drive, Gailyn Road, and Cardwell Ridge Drive.
8. The proposed development is consistent with several of the incentive criteria for commercial centers in that it provides a mix of uses, integrates light manufacturing uses, provides open space, and is supported by a street network with significant future capacity. The sidewalk/trail plan shows a proposed sidewalk plan for the center, but which does not go far enough to facilitate pedestrian access from the street network to buildings, to adjacent properties. Showing additional connections would facilitate pedestrian access and address another of the incentive criteria and help justify the amount of floor area shown.
9. There are wetlands, floodplain and sensitive areas associated with the Cardwell Branch creek, which is located near the south boundary of the PUD. The floodplain for the creek extends north past South 1st Street, land shown to be developed as part of the PUD. The developer is proposing to fill portions of the floodplain and in exchange grant a conservation

easement over the remaining floodplain. Land protected by the conservation easement will be at a ratio of 2:1 to the floodplain being filled. Public Works must find that the mitigation standards are satisfied by the terms of the easement before it will be accepted.

10. Several corrections are noted and questions raised in the Public Works/Watershed Management review. These items must be addressed prior to consideration by City Council. Also, revisions to the draft conservation easement agreement are also noted, and as a condition of approval the agreement must be accepted by the City.
11. 911 Emergency Communications recommends that the street name Cardwell Road be changed.
12. The Health Department noted that a portion of the I-3 area is less than 300' away from the R-5 residential area. The development plan imposes restrictions on hazardous materials in the I-3 when less than 300' away, and the Health Department initially recommended that the definition of hazardous material in the development plan be revised consistent with the Department's. Since the initial review, staff has met and agreed to limit the types of uses 300' of the residential rather than limiting the storage of hazardous materials. This requirement is noted as a condition of approval.
13. The Comprehensive Plan shows the bike trail system extending along the Cardwell Branch. It is noted that a 20' easement along the north side of the creek must be shown to accommodate the trail. Details regarding the design, location, and street crossings must be provided to the Parks Department to demonstrate how the trail will built through this area.
14. The appearance of the center from Highway 77, an major entrance into the City was a concern. To address this, the notes on the plan state that "Outdoor storage and garden centers are prohibited on the east side of any building located on Lot 2, Block 1." The notes also state that those lots in the B-2 and I-3 areas adjacent to Highway 77 will be screened in an amount 1.5 times the amount required by City Design Standards.
15. The PUD also includes adjustments to setbacks in the R-5, B-2 and I-3 areas. The adjustment to setbacks internal to the site are typical for a commercial center and are appropriate. The R-5 area is surrounded by open space in a conservation easement and the setback adjustments in this area are also appropriate. The reduction in setbacks adjacent to public streets can be appropriate provided the reductions are offset by increased buffering and landscaping. Landscaping on all lots adjacent to public streets (South Folsom, West Denton Road, and Cardwell Drive) should be increased to 1.5 times the required amount consistent with amount provided along Highway 77.
16. Several minor revisions to the General Site Notes on Sheet 1 of 21 are noted, and are included in the conditions of approval for the PUD.

CONDITIONS OF APPROVAL:

CZ#05061 Southwest Village PUD

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Correct metes and bounds legal descriptions for the area of ANN#05014, CZ#05061, and CZ#05062.
 - 1.1.2 Add a note that states "THE LIFT STATION AND FORCE MAIN WILL COMPLY THE CITY'S LIFT STATION POLICY."
 - 1.1.3 Show the required turn lanes at the required lengths as noted by Public Works and Utilities.
 - 1.1.4 ~~Remove the driveway on the north side of West Denton Road between Cardwell Drive and South Folsom Street. (**Per Planning Commission, at the request of the applicant, 11/23/05**)~~
 - 1.1.5 Show sanitary sewer force main using alternate Route A in an alignment satisfactory to Public Works and Utilities.
 - 1.1.6 Revise the conservation easement planting plan to the satisfaction of Public Works and Utilities.
 - 1.1.7 Show the minimum opening elevations for buildings for all lots adjacent to flow routes.
 - 1.1.8 Delete the definition of hazardous materials in Section 27.51.090 of the development plan and the references to it, and revise the site plan by delineating the area within the I-3 area that is within 300' of the residential buildings located within the R-5 area and by adding a note that states: that no building containing an industrial or warehouse use shall be located within that area NO INDUSTRIAL OR WAREHOUSE SHALL STORE OR USE ANY "REGULATED SUBSTANCES" REGULATED UNDER TITLE III SECTION 112 ®) OF THE CLEAN AIR ACT WITHIN 300' OF THE RESIDENTIAL BUILDINGS LOCATED WITHIN THE R-5 AREA. (**Per Planning Commission, at the request of the applicant, 11/23/05**)
 - 1.1.9 Show any portion of Warlick Blvd west of Highway 77 as West Denton Road; correct the spelling to South Folsom Street; rename those streets which incorrectly use west and south designations, and use the name 'Cardwell' to the satisfaction of 911 emergency Communications.

- 1.1.10 Add a note that states: ALL OUTLOTS TO BE MAINTAINED BY THE DEVELOPER OR OWNERS ASSOCIATION OR AS DESCRIBED IN THE CONSERVATION EASEMENT AGREEMENT BETWEEN DIAL REALTY DEVELOPMENT CORP., THE CITY OF LINCOLN, NEBRASKA, and THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT. **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.11 ~~Show an 20'-wide easement for the bike trail in a location and configuration to the satisfaction of the Parks Department including grade-separated crossings at-grade crossing at West Denton Road and South Folsom Street to the satisfaction of the Parks Department and Public Works & Utilities Department.~~ **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.12 Provide a cross-section of the trail and street on the ~~east~~ west side of South Folsom Street. Dedicate an additional five (5) feet wide right-of-way or easement for a trail on the west side of South Folsom Street abutting Lot 7 I.T. and Lot 8 I.T., in Section 15-9-6 of the 6th P.M., Lancaster County, Nebraska. **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.13 ~~Show additional sidewalk connections to the satisfaction of the Planning Department.~~ Show additional sidewalk connections consistent with the Incentive Criteria of the Comprehensive Plan to be approved by administrative amendment prior to approval of final plat. **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.14 The surveyor and engineer certificates must be signed.
- 1.1.15 Revise the typical lot detail for the townhouses on Sheet 3 of 21 to show a minimum dimension of 22' from the back of sidewalk to the garage. **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.16 Revise General Note #8 to read as follows: SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND PRIVATE ROADWAYS."
- 1.1.17 Revise General Note #15 to read as follows: LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT."
- 1.1.18 Delete General Note #17.

- 1.1.19 Revise General Note #19 to read as follows: EXISTING AND PROPOSED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLATTING.
- 1.1.20 Revise General Note #23 to read as follows: DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. POLE AND OFF-PREMISE SIGNS (E.G., BILLBOARDS) ARE PROHIBITED. Add a new definition to Part 1 a: Property PUD-General Regulations (a) (2): ON -PREMISE SIGN SHALL MEAN ANY SIGN WHICH SERVES TO ADVERTISE AND/OR IDENTIFY A PRODUCT, SERVICE, OR ACTIVITY CONDUCTED ON THE PREMISE ON WHICH THE SIGN IS LOCATED, OR IDENTIFIES SAID PREMISES OR USE THEREOF, OR A GROUND SIGN WHICH SERVES TO ADVERTISE AND/OR IDENTIFY A PRODUCT, SERVICE, OR ACTIVITY CONDUCTED OFF THE PREMISE ON WHICH THE GROUND SIGN IS LOCATED, OR IDENTIFIES SAID OFF PREMISES OR USE THEREOF AND IS WITHIN 600' OF THE PREMISE. (**Per Planning Commission, at the request of the applicant, 11/23/05**)
- 1.1.21 Delete General Note #25, and revise the development plan to include the sale of alcohol for consumption on and off the premises as permitted uses in the B-2 and I-3 areas.
- 1.1.22 Revise General Note #27 to read as follows: LOTS 5 AND 6, BLOCK 2 SHALL BE RESTRICTED TO OFFICE AND BANK USES BY THE PUD.
- 1.1.23 Revise General Note #32 to read as follows: ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE PUD SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
- 1.1.24 Add General Note #36 to read as follows: ~~AT LEAST 120' OF R.O.W. SHALL BE DEDICATED AT THE TIME OF FINAL PLAT ON 1ST STREET, SOUTH OF WEST DENTON ROAD UNLESS LESS IS SHOWN IN THE COMPREHENSIVE PLAN. THE WIDTH OF THE 1ST STREET R.O.W., SOUTH OF WEST DENTON ROAD WILL BE DETERMINED PURSUANT TO THE TERMS OF THE ANNEXATION AGREEMENT AND WILL BE DEDICATED AT THE TIME OF FINAL~~

PLAT. (Per Planning Commission, at the request of the applicant, 11/23/05**)**

- 1.1.25 Add General Note #37 to read as follows: ADDITIONAL R.O.W. FOR THE CARDWELL DRIVE ROUNDABOUT WILL BE PROVIDED IF REQUIRED BY FINAL GEOMETRIC DESIGN. **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.26 Add easements per 8/30/05 L.E.S review. Said easements will be for underground electrical, telephone, and cable services and above ground appurtenances (e.g., pedestals). **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.1.27 Add a land use/floor area table for the purpose of counting total floor area by land use type within the PUD per the development plan.
- 1.1.28 Revise General Note #13 to include the following statement: ~~ANY AREAS ADJACENT TO SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE WHERE REDUCED SETBACKS ARE SHOWN SHALL ALSO BE SCREENED BY A FACTOR OF 1.5 TIMES THE CITY OF LINCOLN DESIGN STANDARDS.~~ REQUIRED PARKING LOT LANDSCAPE SCREENING FOR PARKING LOTS ABUTTING SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE TO BE INCREASED FROM 60% TO 90%. **(**Per Planning Commission, 11/23/05**)**
- 1.1.29 ~~Label Cardwell Lane as a private drive.~~ Remove the roundabout shown on Cardwell Lane. (Note: Cardwell Lane is shown as a public street). **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- ~~1.1.30 ——— Revise Section 27.51.110 – Architectural Design Standards, of the development plan to also apply to the B-2 area. (Note: 27.31.110 already includes Architectural Design Standards in the B-2 areas).~~ **(**Per Planning Commission, at the request of the applicant, 11/23/05**)**
- 1.2 Update the exhibits in the development plan with the correct legal descriptions.
- 1.3 Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read “THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE AND INDUSTRIAL USES OVER 500,000 SQUARE FEET.”
- 1.4 Revise Part 1a(c)(4) on page 6 of the development plan to read “FOR PURPOSES OF THE SPECIFIC REGULATIONS DESCRIBED IN THIS SECTION, HOTELS AND MOTELS, UP TO THE MAXIMUM 250 ALLOWED ROOMS, SHALL NOT BE COUNTED TOWARDS THE TOTAL AGGREGATE STATED IN PARAGRAPH (C)(1) ABOVE.”

- 1.5 Revise the grading and drainage plan and conservation easement planting plan to the satisfaction of Public Works and Utilities Engineering Services and Watershed Management.
- 1.6 Provide written ~~approval letter or memo~~ from the Nebraska Department of Roads that NDOR does not oppose of the interchange layout/detour plan. (****Per Planning Commission, at the request of the applicant, 11/23/05****)
2. This approval permits 1,300,000 square feet of office, commercial, and industrial floor area, hotels and motels up to 250 rooms, and up to 160 dwelling units with modifications to the Zoning Ordinance and Land Subdivision Ordinance as stated in the Development Plan.
3. Prior to obtaining final plat approval of any portion of the area south of West Denton Road, the owners will enter into a conservation easement agreement with the City. (****Per Planning Commission, at the request of the applicant, 11/23/05****)
4. City Council approves ANN#05014.

General:

5. Before receiving building permits:
 - 5.1 The permittee shall have submitted a revised and reproducible final plan showing the following revisions and the plans are acceptable:
 - 5.2 The construction plans shall comply with the approved plans.
 - 5.3 Final Plats shall be approved by the City.

Standard:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 6.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 6.5 The City Clerk shall file a copy of the ordinance approving the PUD and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Brian Will
Planner
November 9, 2005

APPLICANT: Ridge Development and Southview, Inc.
8644 Executive Woods Drive
Lincoln, NE 68512
402.436.3444

OWNER: Western Hemisphere Holding Co.
PO Box 22296
Lincoln, NE 68542-2296

Dale Schmidt
PO Box 427
Hickman, NE 68372-0427

Norman LeGrande
7601 South 1st Street
Lincoln, NE 68502

CONTACT: Kent Seacrest
Seacrest and Kalkowski
1111 Lincoln Mall Ste 350
Lincoln, NE 68508
402.435.6000

**ANNEXATION NO. 05014;
CHANGE OF ZONE NO. 05061,
SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT;
and
CHANGE OF ZONE NO. 05062**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 23, 2005

Members present: Pearson, Sunderman, Strand, Larson, Carroll, Esseks, Krieser and Carlson; Taylor absent.

Staff recommendation: Conditional approval of the annexation and PUD, and approval of the change of zone.

Ex Parte Communications: None.

Proponents

1. Kent Seacrest appeared on behalf of **Dial Realty** and the coalition of other developers who are proposing to open up southwest Lincoln after many years of effort. This area was designated in the 2002 Comprehensive Plan, and was designated for a Community Center as well as light industrial. This site well utilizes the West Bypass and we are about ready to talk about a proposed interchange at Warlick Boulevard & US 77. In addition to the commercial area, this proposal includes 100 acres of R-3 and R-4 Residential on the west side of Folsom Street which brings in rooftops along with the commercial.

2. Rick Kiolbasa, Dial Realty, stated that the developer has been working with staff on this proposal for over a year. They began with a 143-acre parcel and they were running into some floodplain issues, so the developer secured another 117 acres to make it a total of 260 acres, of which 80 acres, more or less, on the east side of Folsom Street is like a park and will be a conservation easement.

Kiolbasa advised that Dial has been in business for almost 50 years. This is probably a 10-year project from start to finish. In working through all the issues, the applicant and the staff have agreed on 95% of the issues 95% of the time. Kiolbasa believes they were able to work well with the staff and he expressed appreciation to the Planning Department staff.

Seacrest continued with his testimony, stating that this opens up southwest Lincoln, coordinating with the future interchange in a phased manner; the development is next to Cardwell Branch, resulting in a 70-acre conservation easement. This proposal meets the "no net rise" standards; they will be doing a temporary pump because the sewer won't be there for a couple years; there will be a utility crossing of the sewer across Wilderness Park without disturbing the park.

Seacrest advised that they have held several neighborhood meetings and they met with the Friends of Wilderness Park.

Seacrest further observed that it is a challenge to open up a new sub-basin; however, they have reached agreement with staff on all but one condition of approval. Seacrest then submitted proposed amendments to the conditions of approval. The only issue is Condition #1.3, which Seacrest believes to be a misunderstanding.

Staff recommendation:

- 1.3 Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read "THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE AND INDUSTRIAL USES OVER 500,000 SQUARE FEET."

Seacrest proposed amendment:

- 1.3 (Version #1): Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read "THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE, **HOTEL, MOTEL**, AND INDUSTRIAL USES OVER 500,000 SQUARE FEET." *(Note: the Analysis #1, page 6, states that hotel and motels are included in the 500,000 square feet figure).*

(Version #2): Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read: "THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE AND INDUSTRIAL USES OVER **400,000** SQUARE FEET". *(Note: I-3 permits up to 20% of the I-3 floor area to be retail and 10% of the I-3 floor area to be hotels and motels).*

Seacrest explained that the staff Condition #1.3 proposes to have an office/industrial cap of 500,000 sq. ft. The applicant believes motels and hotels should be included in that list of office and industrial to get over the 500,000 sq. ft. Seacrest believes there has been some confusion and misunderstanding because Analysis #1 in the staff report lists office, motel, hotel in industrial. This developer would like to have the hotel, motel uses. Version #1 of the proposed amendment to Condition #1.3 adds hotel, motel into the 500,000 sq. ft. If we don't want hotel, motel, then Version #2 reduces the 500,000 to 400,000 sq. ft. That is a 20% reduction. This goes back to the I-3 zoning which is the mixed use light industrial zone. Under the I-3 you are supposed to have minimum of 50 acres, and under the I-3, you are allowed to go up to 20% of that acreage in retail. So, if we did a straight I-3 of 50 acres, you would normally be able to do 20% or 100,000 sq. ft. of retail. The Comprehensive Plan language also talks about a light industrial area including retail. The developer can live with either version.

Larson asked Seacrest to explain the plan on the map. In showing the uses on the map, Seacrest stated that the developer will be rebuilding West Denton Road. The plan includes the power center type activities or larger box users, but also includes the smaller pads and acreages. There will be office uses and they have included an innovative new housing product in the conservation easement area.

Larson inquired as to the uses proposed north of West Denton Road. Seacrest stated that those are the big boxes. The developer does not have any written leases on the big boxes with anyone at

the present time, but it would be big enough for Super Target type stores. This proposal is consistent with the Comprehensive Plan because of the Community Center designation.

As a member of the Board of the Friends of Wilderness Park, Esseks expressed appreciation to the developer for consulting with the Board. Esseks referred to the map and inquired about the parcel that is east of US 77 going over to the railroad. Is there anything in this proposal that defines how that land will be used? Seacrest explained that to be the state's land; it is not part of Wilderness Park; and there is no change in land use other than being annexed with this application.

Esseks then referred to Exhibit "B", the Conservation Easement Agreement, where it states that, "Nothing herein shall be construed to give the general public the right of access or use of the Easement Area". He believes that to be in conflict if this is to be an easement to the public. Seacrest explained that it is an easement to the public for purpose of floodplain storage, management, sediment, pollution, wildlife and open space but not intended to be a park. There is a dedicated trail easement through it. There will be a minimum 20' bike trail that will run east and west and will go underneath US 77 and then that gets us into Wilderness Park. The rest was not intended to be a park.

Esseks asked for an explanation of the location of the trunk sewer line. Mark Palmer of Olsson Associates stated that they have been working with Wastewater Department on the sewerage of the southwest area and they have put that design on hold at the present time so he does not know the exact alignment or size. The developer is showing a 100' sewer and bike trail easement along the north side of the creek. They are looking into various options and ways to connect to the existing sewer system. The temporary pump station would be on the south side of the proposed on-ramp for the highway. From that point, they would be running a forced main along the west side of the existing W. Denton Road up to the north side of the intersection and then parallel in the state's right-of-way all the way to the existing sewer system. They are proposing to work with the state to cross the creek.

Esseks then referred to the Watershed Management comments dated September 13, 2005 and November 9, 2005, wherein they still had some questions. Seacrest believes that these questions have been addressed and Condition #4 only applies to the residential tract. Seacrest believes there is a meeting of the minds and all of the Watershed Management concerns in terms of flood storage will be addressed prior to scheduling these applications on the City Council agenda.

3. Steve Duvall, 1015 South 40th Street, testified in support. He agrees that this proposal is consistent with the Comprehensive Plan in that people will be able to live, shop, and travel; it will provide increased sales tax and property taxes. This is greatly needed and the project is very well done.

Opposition

1. Mike Carlin, 2700 West Paddock Road, testified on behalf of the Board of Directors for **Friends of Wilderness Park** in opposition. He agrees that the developer did do a good job of keeping the Friends of Wilderness Park informed and they had two meetings. However, even though according to the Comprehensive Plan we knew a community center and light industrial area would be going in here, they are a little taken aback at the scope and scale of what is proposed. It is much bigger than what they had expected. He does not believe it meets the definition of a "community center". He believes it is more of a regional center with the three big box stores with

dozens of smaller buildings and a lot of rooftop and pavement. It's "too much too soon". It is bigger than envisioned for that area and it is pretty much ahead of schedule. Most of the infrastructure is not scheduled to go into that part of town for some time, the biggest being the interchange, which is supposed to start in 2010. You can imagine the traffic going to three big box stores and the smaller businesses going through that interchange when it is under construction for two years. And since it is not something scheduled or planned in this timeline, even though the developer is offering to front the money, staff will be required to work on it while they still have scheduled items to work on in our planned growth. There will be a diversion of resources within staff that is not accounted for in all the other things we want to do in the city.

With regard to the sewage treatment plant, the Wastewater Facilities Plan shows the building of the treatment plant as a Tier II item. Carlin submitted that this much development will trigger the need to build that sewage treatment plant ahead of schedule. He is worried about the temporary sewer line and is worried about the word "abandonment". Who is going to operate that temporary sewer line? Who owns and operates it? We don't have a lot of pumps stations in the city. They don't run on automatic. They break. It will take people, time and money to maintain them. Is that factored into the developer's cost?

Carlin further pointed out that Denton Road is going to be two lanes. There will be a real choke point for traffic trying to get in and out of these businesses and big box stores. He does not believe that there should be a driveway on the north side of West Denton Road into the facility – that traffic should go all the way to Folsom before turning in. So there will be two lanes all the way to Folsom from Hwy 77 and then a right turn to get into the area where the big box stores are located.

In summary, Carlin suggested that we need to keep it in perspective and in proportion. It is too much and it is too soon.

2. Dale Schmidt, 6900 S. 1st Street, testified in opposition. He is not necessarily opposed to the proposal, but as a property owner that basically will be surrounded by this development, he wants to be on record trying to protect himself and some of his concerns. He owns three parcels – his access would extend past the old 1st Street tying into Denton Road. He can tolerate the loss of frontage from his property, but he wants to be certain that he does not lose access to his property, specifically the parcel on the south side of Pine Lake Road, which at this point, would not have access to anything. He realizes this is preliminary and he does not know what the state will be doing; however, he knows the state will be taking some of his property. He does not want to lose the accessibility to his property that he has had for 30 years. This will be the fourth road construction that he has dealt with and the overpass construction for Hwy 77 will be the fifth time he has gone through road construction in front of his property. He operates Pioneer Gardens & Nursery on the property and has had trees growing there since the fall of 1976 or 1977.

3. Richard Hill, 6705 S.W. 16th Street, testified in opposition. He has spoken with 12 property owners and none of them want a big shopping area here. We moved away from the city for a reason. We do not want retail stores next door to us. There will be a lot of competition with South Pointe. He does not believe this is necessary. He moved to the country for privacy and at night he can see the stars. These residents will lose the ability to access the night sky via the pollution caused by all of the lights in this project. He does not want to see parking lot lights from his residence. If necessary, he will go door to door and acquire signatures from every property owner within 1.5 mile of this project because he believes he would get close to 100% in opposition. Denton Road is a challenge during rush hour. By adding multiple dwellings – single family homes

and apartments, it is not going to be an area for acreages and their owners to be happy and satisfied. This is not going to increase his property values. Please protect this area.

4. Jennifer Sheaff, 7601 Bobcat Circle, testified in opposition. How is this development going to affect South Pointe? The retailers there believe a new commercial development will affect their business and will shift the jobs. It will not create any more new jobs. She assumes the development of the retail space is to attract a lot of the business from the small communities south of Lincoln. If Beatrice cannot support a Wal-mart, why do you want it up here? If this is built, she is concerned about further development of fast food and convenience stores from Hwy 77 south to Saltillo Road and further. This will have an effect on the night sky. With all the building going further and further out of town, what about Lincoln's core? What about all the current empty retail space? Why can't we work on improving those spaces? The infrastructure is already there. The newspaper is full of houses for sale. What happens to them? The prices of fuel and consumer goods are steadily increasing. How much more retail is this city going to be able to support? We are going to have acres of asphalt, garbage, and traffic. Will this developed area be in the floodplain? West Denton Road is going to have to be widened to four lanes. How many houses will have traffic in their front yard? The residential and commercial areas in the new development will be annexed. How about the existing homeowners that will be surrounded? The developer is proposing to pay for sewer and road improvements and be reimbursed later. Are you sure the Lincoln taxpayers want to pay for this? Why are not the property owners given the opportunity to purchase the land? If anything is to be done, she suggested that they build 5- or 10-acre lots with houses, with families, and green grass and trees. Build a big park. When is enough enough? When do we stop this sprawl?

5. Richard Esquivel, 733 W. Cuming, testified in opposition. He agreed with the concerns of the Friends of Wilderness Park, mainly the Comprehensive Plan and economic benefit to the City. None of these questions have been answered. Are the citizens going to be responsible for the cost of the infrastructure? Are my tax dollars going to support this development through TIF? They want three big box stores. Look at the trouble we are having with 84th and Adams with a Super Wal-mart. There are too many unanswered questions.

6. Jay Storz, 7200 W. Pleasant Hill Road, Denton, testified in opposition because he believes this development will create the type of urban sprawl that has diminished the quality of life in other similar cities across the country. He would hate to see Lincoln repeat the mistake that cities like Phoenix and Houston have made in the past. In Lincoln, there are so many vacant commercial lots and blighted areas – he suggested that those areas be redeveloped rather than developing open land on the periphery of the city. The type of unnecessary urban sprawl would do a lot to diminish what makes Lincoln special.

7. Richard Halvorsen, 6311 Inverness Road, testified in opposition. He is concerned about the traffic. He lives south of Old Cheney and 14th Street, and it is almost grid-locked for an hour before and after rush hour. Warlick Boulevard is also already busy. With this big of a development, he does not see how the infrastructure can support the additional traffic.

Staff questions

Strand asked staff to respond to the motions to amend the conditions of approval by Seacrest. Brian Will of Planning staff stated that the staff agrees with the motion to amend with the exception of Condition #1.3. The rationale is that the Comprehensive Plan has two designations that allow for the employment center. Generally speaking, the commercial floor area would be 300,000-500,000

sq. ft.. The employment center designates the area for I-3 uses. Typically, I-3 districts are 75 acres. So, you are looking at an employment center in the range of 750,000 sq. ft. Through the development review process, a compromise was struck in that the community center was allowed to expand beyond 500,000 sq. ft., absorbing some of the commercial area that would normally be allowed, with the understanding that the employment center provide office and industrial uses no less than 500,000 sq. ft. As the proposal exists, it shows 1.3 million sq. ft. of floor area and the hotels and motels are outside of the floor area requirement. There is 800,000 in the commercial center, but we want to maintain a minimum cap of 500,000 sq. ft. for the I-3. This is consistent with the Comprehensive Plan. The Comprehensive Plan is trying to provide for those industrial employment areas to provide for economic development.

Esseks noted that one of the witnesses testified that what is being proposed exceeds the definition of a "community center". Will responded, stating that typically the Comprehensive Plan describes 300,000 to 500,000 sq. ft.; however, there is language to allow up to 1,000,000 sq. ft. provided certain incentive criteria is met. This proposal does meet some of the incentive criteria.

Sunderman asked staff to respond to the driveway issue raised by Mike Carlin on behalf of the Friends of Wilderness Park. Will explained that there will be a full turning movement intersection "at this point here" (pointing to the map) that allows access into the center. Staff has reconsidered their position and has agreed to allow "this driveway" (pointing to the map) to also remain with "full turning movement here" (pointing to the map).

Carroll inquired about access to the nursery property. Will indicated that Mr. Schmidt currently has access off of public right-of-way. For the alignment proposed with this development, it will require the vacation of existing public right-of-way. Mr. Schmidt will have to be a party to that and voluntarily agree to any actual vacation of that right-of-way. That vacation will not occur without his agreement. All lots have to have access to public right-of-way.

Response by the Applicant

Seacrest reiterated that this proposal is consistent with the Comprehensive Plan. This property was designated "community center" and light industrial back in 2002, and the proposal got stuck about a year and a half ago. It was chosen because this was anticipated to be an interchange on a major road. The Comprehensive Plan does allow community centers to go up to 1,000,000 sq. ft., and this proposal is in conformance with the language in the Comprehensive Plan. Seacrest does not believe this development is too soon. It is in Tier I, Priority A (the one to twelve year, first out of the chute) area. This was a key piece of the Comprehensive Plan in 2002 because some wanted to open up Stevens Creek and some wanted to open up southwest Lincoln. This came in as a package so that they would both open up. This proposal follows through with that commitment in 2002 to make sure both areas open up.

With regard to "urban sprawl", Seacrest reiterated that this proposal is in full conformance with the Comprehensive Plan, and if that is urban sprawl, he disagrees.

Seacrest also reiterated that this proposal includes a temporary pump, but Lincoln has about 20 temporary pumps. The city will maintain the pump. The developer will pay to operate that pump and the city will do the staffing.

As far as the traffic issues, Seacrest stated that the Comprehensive Plan shows West Denton Road and Folsom Street as four lanes and that is what the Southwest Village plan shows. Southwest Village will be built in phases. The annexation agreement will address when the third and fourth lanes will be constructed. We don't need four lanes day one.

Seacrest confirmed that the developer will work with Mr. Schmidt for access to his property. His access is through the conservation easement area.

Seacrest reiterated that they did hold several full neighborhood meetings. He acknowledged that there are acreages to the west, but this isn't the only thing that will upset the acreage owners.

Seacrest disagreed that this proposal does not create new jobs. The whole idea of the light industrial is to get new jobs. Too much of our light industrial land is in the floodplain. This is land that is not in the floodplain. This is a new site that will be able to be marketed by the Chamber of Commerce. This proposal increases the floodplain capacity. We are digging it out. We are exceeding no net rise.

In addition, Seacrest pointed out that this developer will be paying over 5 million dollars in impact fees.

Seacrest reiterated the request to adopt Version #1 or Version #2 of his proposed amendment to Condition #1.3. This developer would like to go down to 400,000 sq. ft. or live with 500,000 sq. ft. with motels and hotels.

ANNEXATION NO. 05014

ACTION BY PLANNING COMMISSION:

November 23, 2005

Strand moved approval, with conditions, seconded by Carroll.

Pearson stated that her comments now relate to the entire proposal. She is a big fan of all three of the representatives on the developer team. In general, she believes the plan is well thought-out, except for the three big boxes plopped down in a relative area that has acreages. She does not believe that we are sentimental enough about lifestyle issues. If a big box moved into her back yard she would be very upset. These people have been out here a lot longer than a Super Target. "Build it and they will come, 24 hours a day." She will not support it.

Esseks also commented that it is a shame that lifestyles are disrupted. It is most important to enjoy one's home, but before he arrived on this Commission, this community decided on growth and they have a formal process agreed upon as to where growth should occur. This area was designated for commercial growth. If we want to discourage such growth, we have to do it in the planning process. His hands are tied. He will have to vote according to what the plan specifies. He believes it would be inappropriate to vote no, but he wishes he could.

Motion for conditional approval carried 7-1: Sunderman, Strand, Larson, Carroll, Esseks, Krieser and Carlson voting 'yes'; Pearson voting 'no'; Taylor absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05061,
SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT
ACTION BY PLANNING COMMISSION:

November 23, 2005

Strand moved to approve the staff recommendation of conditional approval, with the amendments proposed by Kent Seacrest, except Condition #1.3 to remain as recommended by staff, seconded by Esseks and carried 6-2: Sunderman, Strand, Carroll, Esseks, Krieser and Carlson voting 'yes'; Pearson and Larson voting 'no'; Taylor absent. This is a recommendation to the City Council.

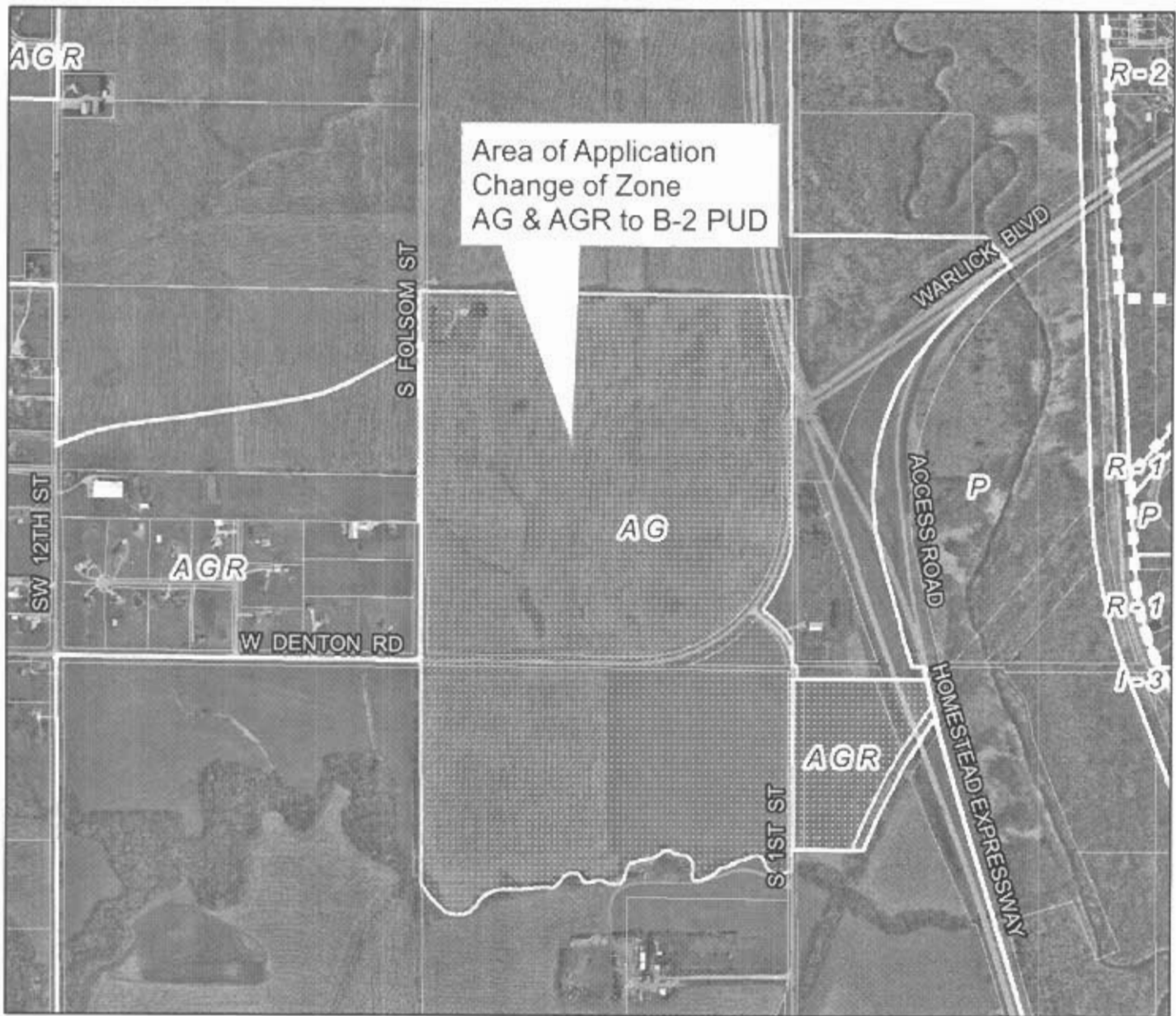
CHANGE OF ZONE NO. 05062
ACTION BY PLANNING COMMISSION:

November 23, 2005

Strand moved approval, seconded by Carroll.

As far as the impact on acreages, Strand stated that she is a strong proponent of acreages and supports acreage growth. She grew up on an acreage, but, unfortunately, it was located close to town and the town grew out and it is now Buckingham South. It happens. The city grows out to the acreages. You are either forced to move further out or you are forced to live with the city. This is a zoning issue.

Motion for approval carried 8-0: Pearson, Sunderman, Strand, Larson, Carroll, Esseks, Krieser and Carlson voting 'yes'; Taylor absent. This is a recommendation to the City Council.



Change of Zone #05061 (PUD)
Southwest Village
S Folsom St & W Denton Rd

2005 aerial

Old Cheney Rd

Zoning:

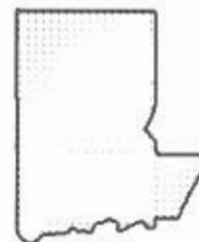
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Four Square Mile
 Sec. 14 T9N R6E
 Sec. 15 T9N R7E
 Sec. 22 T9N R6E
 Sec. 23 T9N R7E



Zoning Jurisdiction Lines
 City Limit Jurisdiction

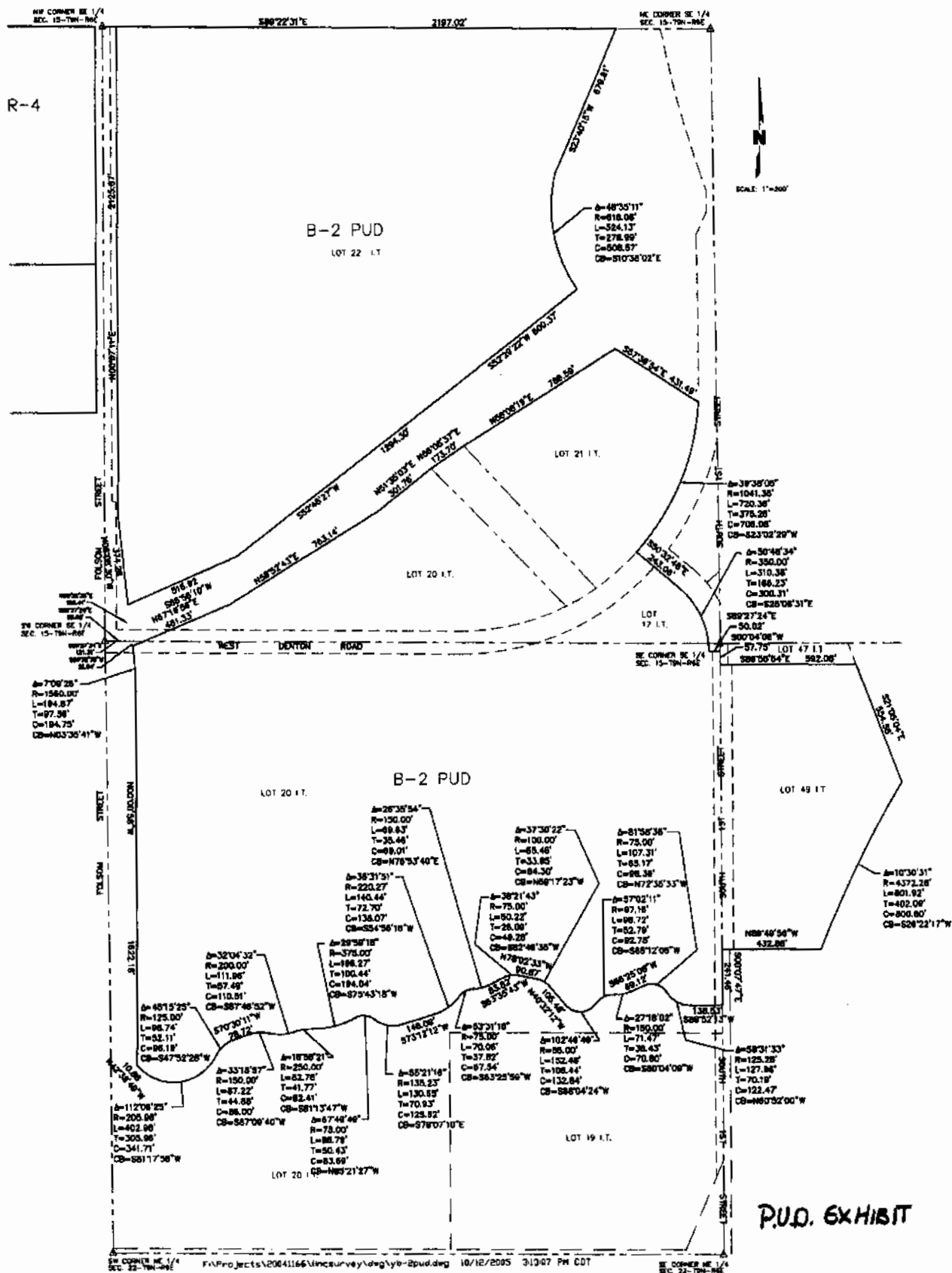
SW 12th St



S 14th St

023

Yankee Hill Rd



**LEGAL DESCRIPTION
B-2 PUD (NORTH)**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 22 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 99.66 FEET TO A POINT, THENCE NORTH 00 DEGREES 32 MINUTES 36 SECONDS EAST, A DISTANCE OF 156.41 FEET TO **THE TRUE POINT OF BEGINNING**, THENCE NORTH 06 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 374.26 FEET TO A POINT LOCATED 60.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,125.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE BEING THE NORTH LINE OF SAID LOT 18 I.T., THENCE SOUTH 89 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 18 I.T., SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,197.02 FEET TO A POINT, THENCE SOUTH 23 DEGREES 40 MINUTES 15 SECONDS WEST, A DISTANCE OF 679.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 48 DEGREES 35 MINUTES 11 SECONDS, A RADIUS OF 618.08 FEET, A ARC LENGTH OF 524.13 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 38 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 508.57 FEET TO A POINT, THENCE SOUTH 52 DEGREES 29 MINUTES 22 SECONDS WEST, A DISTANCE OF 600.37 FEET TO A POINT, THENCE SOUTH 52 DEGREES 45 MINUTES 27 SECONDS WEST, A DISTANCE OF 1,294.30 FEET TO A POINT, THENCE SOUTH 66 DEGREES 56 MINUTES 10 SECONDS WEST, A DISTANCE OF 516.92 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,784,400.25 SQUARE FEET OR 86.8779 ACRES, MORE OR LESS.

August 16, 2005
F:\Projects\20041166\lincs\survey\lplat\dwg\B-2PUD8162005.doc

**LEGAL DESCRIPTION
B-2 PUD (SOUTH)**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 20 & 21 I.T., A PORTION OF WEST DENTON ROAD RIGHT-OF-WAY, AND LOT 17 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST, A PORTION OF LOT 20 I.T., A PORTION OF WEST DENTON ROAD RIGHT-OF-WAY, AND A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST, LOT 49 I.T., AND A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST, A DISTANCE OF 121.31 FEET TO A POINT, THENCE SOUTH 00 DEGREES 32 MINUTES 36 SECONDS WEST, A DISTANCE OF 21.54 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE NORTH 67 DEGREES 19 MINUTES 56 SECONDS EAST, A DISTANCE OF 461.33 FEET TO A POINT, THENCE NORTH 58 DEGREES 52 MINUTES 43 SECONDS EAST, A DISTANCE OF 763.14 FEET TO A POINT, THENCE NORTH 51 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 301.76 FEET TO A POINT, THENCE NORTH 56 DEGREES 08 MINUTES 37 SECONDS EAST, A DISTANCE OF 173.70 FEET TO A POINT, THENCE NORTH 58 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 786.59 FEET TO A POINT, THENCE SOUTH 57 DEGREES 36 MINUTES 54 SECONDS EAST, A DISTANCE OF 431.49 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF WEST DENTON ROAD RIGHT-OF-WAY, SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 39 DEGREES 38 MINUTES 05 SECONDS, A RADIUS OF 1,041.35 FEET, A ARC LENGTH OF 720.36 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 02 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 706.08 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTHWEST LINE SOUTH 1ST STREET RIGHT-OF-WAY, THENCE SOUTH 50 DEGREES 32 MINUTES 48 SECONDS EAST ALONG THE SOUTHWEST LINE OF SAID RIGHT-OF-WAY AND ITS EXTENSION, A DISTANCE OF 243.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 50 DEGREES 48 MINUTES 34 SECONDS, A RADIUS OF 350.00 FEET, A ARC LENGTH OF 310.38 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 08 MINUTES 31 SECONDS

EAST ALONG THE SOUTHWEST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 300.31 FEET TO A POINT, THENCE SOUTH 89 DEGREES 27 MINUTES 24 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 20 I.T., AND ITS EXTENSION, A DISTANCE OF 50.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 00 DEGREES 04 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 57.75 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH LINE OF SAID LOT 49 I.T., THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 49 I.T., AND ITS EXTENSION, A DISTANCE OF 592.08 FEET TO A POINT, THENCE SOUTH 21 DEGREES 05 MINUTES 04 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 49 I.T., A DISTANCE OF 554.58 FEET TO A EAST CORNER OF SAID LOT 49 I.T., SAID POINT BEING A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10 DEGREES 30 MINUTES 31 SECONDS, A RADIUS OF 4,372.28 FEET, A ARC LENGTH OF 801.92 FEET, A CHORD BEARING OF SOUTH 26 DEGREES 22 MINUTES 17 SECONDS WEST ALONG THE SOUTHEAST LINE OF SAID LOT 49 I.T., AND A CHORD DISTANCE OF 800.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 49 I.T., THENCE NORTH 89 DEGREES 49 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 49 I.T., AND ITS EXTENSION, A DISTANCE OF 432.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH 00 DEGREES 07 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 241.46 FEET TO A POINT, THENCE SOUTH 89 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 138.53 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 58 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 125.28 FEET, A ARC LENGTH OF 127.97 FEET, A CHORD BEARING OF NORTH 60 DEGREES 52 MINUTES 01 SECONDS WEST, AND A CHORD DISTANCE OF 122.47 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 81 DEGREES 58 MINUTES 38 SECONDS, A RADIUS OF 75.00 FEET, A ARC LENGTH OF 107.31 FEET, A CHORD BEARING OF NORTH 72 DEGREES 35 MINUTES 33 SECONDS WEST, AND A CHORD DISTANCE OF 98.39 FEET TO A POINT, THENCE SOUTH 66 DEGREES 25 MINUTES 08 SECONDS WEST, A DISTANCE OF 69.12 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 27 DEGREES 18 MINUTES 02 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 71.47 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 04 MINUTES 09 SECONDS WEST, AND A CHORD DISTANCE OF 70.80 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER

CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 57 DEGREES 02 MINUTES 11 SECONDS, A RADIUS OF 97.16 FEET, A ARC LENGTH OF 96.72 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 12 MINUTES 05 SECONDS WEST, AND A CHORD DISTANCE OF 92.78 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 102 DEGREES 46 MINUTES 49 SECONDS, A RADIUS OF 85.00 FEET, A ARC LENGTH OF 152.48 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 04 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 132.84 FEET TO A POINT, THENCE NORTH 40 DEGREES 32 MINUTES 12 SECONDS WEST, A DISTANCE OF 105.48 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 37 DEGREES 30 MINUTES 22 SECONDS, A RADIUS OF 100.00 FEET, A ARC LENGTH OF 65.46 FEET, A CHORD BEARING OF NORTH 59 DEGREES 17 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 64.30 FEET TO A POINT, THENCE NORTH 78 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 90.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 38 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 75.00 FEET, A ARC LENGTH OF 50.22 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 46 MINUTES 35 SECONDS WEST, AND A CHORD DISTANCE OF 49.28 FEET TO A POINT, THENCE SOUTH 63 DEGREES 35 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.82 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 26 DEGREES 35 MINUTES 54 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 69.63 FEET, A CHORD BEARING OF SOUTH 76 DEGREES 53 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 69.01 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 31 MINUTES 16 SECONDS, A RADIUS OF 75.00 FEET, A ARC LENGTH OF 70.06 FEET, A CHORD BEARING OF SOUTH 63 DEGREES 25 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 67.54 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 36 DEGREES 31 MINUTES 51 SECONDS, A RADIUS OF 220.27 FEET, A ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 54 DEGREES 56 MINUTES 16 SECONDS WEST, AND A CHORD DISTANCE OF 138.07 FEET TO A POINT, THENCE SOUTH 73 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 148.09 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 55 DEGREES 21 MINUTES 16 SECONDS, A RADIUS OF 135.23 FEET, A ARC LENGTH OF 130.65 FEET, A CHORD BEARING OF NORTH 79 DEGREES 07 MINUTES 10 SECONDS WEST, AND A CHORD DISTANCE OF 125.63 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 67

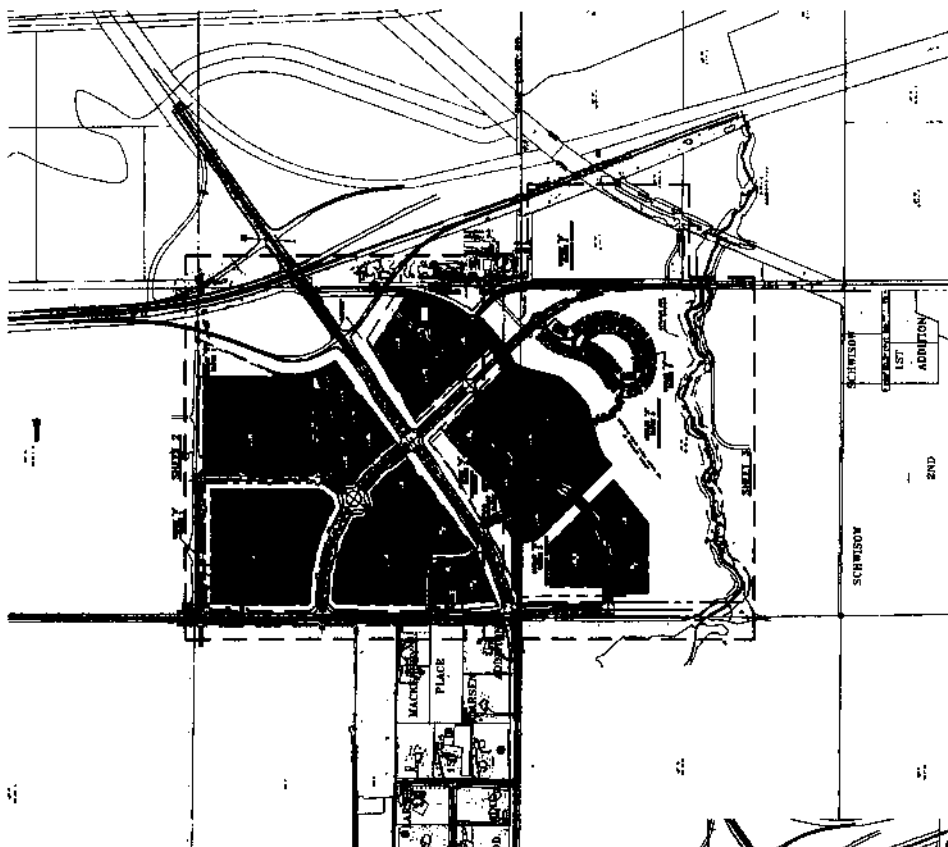
DEGREES 49 MINUTES 49 SECONDS, A RADIUS OF 75.00 FEET, A ARC LENGTH OF 88.79 FEET, A CHORD BEARING OF NORTH 85 DEGREES 21 MINUTES 27 SECONDS WEST, AND A CHORD DISTANCE OF 83.69 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 29 DEGREES 59 MINUTES 18 SECONDS, A RADIUS OF 375.00 FEET, A ARC LENGTH OF 196.27 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 43 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 194.04 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 18 DEGREES 58 MINUTES 21 SECONDS, A RADIUS OF 250.00 FEET, A ARC LENGTH OF 82.78 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 13 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 82.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 32 DEGREES 04 MINUTES 32 SECONDS, A RADIUS OF 200.00 FEET, A ARC LENGTH OF 111.96 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 46 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 110.51 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 33 DEGREES 18 MINUTES 57 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 87.22 FEET, A CHORD BEARING OF SOUTH 87 DEGREES 09 MINUTES 40 SECONDS WEST, AND A CHORD DISTANCE OF 86.00 FEET TO A POINT, THENCE SOUTH 70 DEGREES 30 MINUTES 11 SECONDS WEST, A DISTANCE OF 78.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 45 DEGREES 15 MINUTES 25 SECONDS, A RADIUS OF 125.00 FEET, A ARC LENGTH OF 98.74 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 52 MINUTES 28 SECONDS WEST, AND A CHORD DISTANCE OF 96.19 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 112 DEGREES 06 MINUTES 25 SECONDS, A RADIUS OF 205.96 FEET, A ARC LENGTH OF 402.99 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 17 MINUTES 58 SECONDS WEST, AND A CHORD DISTANCE OF 341.71 FEET TO A POINT, THENCE NORTH 42 DEGREES 38 MINUTES 49 SECONDS WEST, A DISTANCE OF 10.88 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 1,622.18 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 09 MINUTES 26 SECONDS, A RADIUS OF 1,560.00 FEET, A ARC LENGTH OF 194.87 FEET, A CHORD BEARING OF NORTH 03 DEGREES 35 MINUTES 41 SECONDS WEST, AND A CHORD DISTANCE OF 194.75 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 6,538,986.40 SQUARE FEET OR 150.1144 ACRES, MORE OR LESS.

Wednesday, October 12, 2005



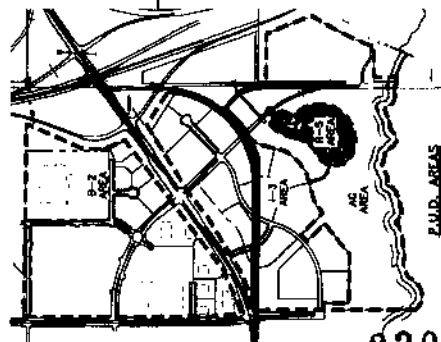
CENTRIFUGAL CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD
1	100.00	30.000000	100.00	100.00	100.00
2	200.00	15.000000	200.00	200.00	200.00
3	300.00	10.000000	300.00	300.00	300.00
4	400.00	7.500000	400.00	400.00	400.00
5	500.00	6.000000	500.00	500.00	500.00
6	600.00	5.000000	600.00	600.00	600.00
7	700.00	4.300000	700.00	700.00	700.00
8	800.00	3.750000	800.00	800.00	800.00
9	900.00	3.333333	900.00	900.00	900.00
10	1000.00	3.000000	1000.00	1000.00	1000.00
11	1100.00	2.727273	1100.00	1100.00	1100.00
12	1200.00	2.500000	1200.00	1200.00	1200.00
13	1300.00	2.307692	1300.00	1300.00	1300.00
14	1400.00	2.142857	1400.00	1400.00	1400.00
15	1500.00	2.000000	1500.00	1500.00	1500.00
16	1600.00	1.875000	1600.00	1600.00	1600.00
17	1700.00	1.764706	1700.00	1700.00	1700.00
18	1800.00	1.666667	1800.00	1800.00	1800.00
19	1900.00	1.578947	1900.00	1900.00	1900.00
20	2000.00	1.500000	2000.00	2000.00	2000.00
21	2100.00	1.428571	2100.00	2100.00	2100.00
22	2200.00	1.363636	2200.00	2200.00	2200.00
23	2300.00	1.304348	2300.00	2300.00	2300.00
24	2400.00	1.250000	2400.00	2400.00	2400.00
25	2500.00	1.200000	2500.00	2500.00	2500.00
26	2600.00	1.153846	2600.00	2600.00	2600.00
27	2700.00	1.111111	2700.00	2700.00	2700.00
28	2800.00	1.071429	2800.00	2800.00	2800.00
29	2900.00	1.034483	2900.00	2900.00	2900.00
30	3000.00	1.000000	3000.00	3000.00	3000.00

CURVE	RAIQUES	DELTA	LENGTH	TANGENT	CURVE DATA	CHORD
1	20.00	17.00	51.01	51.00	50.98	50.98
2	20.00	17.00	75.00	75.00	74.99	74.99
3	20.00	17.00	111.00	111.00	110.99	110.99
4	20.00	17.00	147.00	147.00	146.99	146.99
5	20.00	17.00	183.00	183.00	182.99	182.99
6	1400.00	317.00	341.81	183.70	183.70	183.71
7	1400.00	317.00	341.81	184.01	184.01	184.01
8	500.00	297.00	176.40	500.00	500.00	500.00
9	500.00	297.00	176.40	500.00	500.00	500.00
10	500.00	297.00	176.40	500.00	500.00	500.00
11	500.00	297.00	176.40	500.00	500.00	500.00



LAND USE TABLE			
USES	FLOOR AREA (SQUARE FEET)	FLOOR TO AREA RATIO	ACRES
OFFICES AND INDUSTRIAL	500,000*	5.00	36.3
COMMERCE AND RETAIL	500,000	10.00	36
WATER/SEWER	200,000	4.0	14.7
RECREATION	100,000,000	1.0	10
TOTAL	1,500,000*		100

* THE PLO MUST HAVE, AT LEAST AN AGGREGATE OF 1,000,000 VOLUME FEET OF OFFICE AND INDUSTRIAL WOOD.



030

GENERAL MIL. NOTES

ALLEGEDLY PROTECTED

INVESTMENT PRINCIPLES

1976-77

5

WALSH

SHEET INDEX

[illegible]

14-9 14-8	CONSTRUCTION PLANTING PLAN CONSTRUCTION EMBANKMENT PLANTING PLAN DETOUR PLAN INFRASTRUCTURE CONSTRUCTION TREATING
--------------	--

SHEET
1 OF 21

VO

[illegible]

COVER SHEET

[illegible]

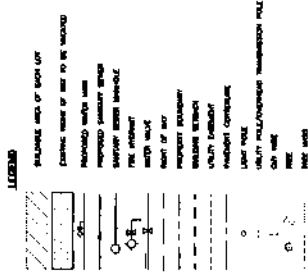
VO

[illegible]

3115 PLUM
(NORTH OF W. DENTON RD.)
SOUTHWEST VILLAGE P.U.D.

[illegible]

02 of 21
Sheet



031

SUPER • QUIN • SUPER • SPY • ROAD • TONY
SPIDERMAN • LAMARCA • VERONICA • VERONICA



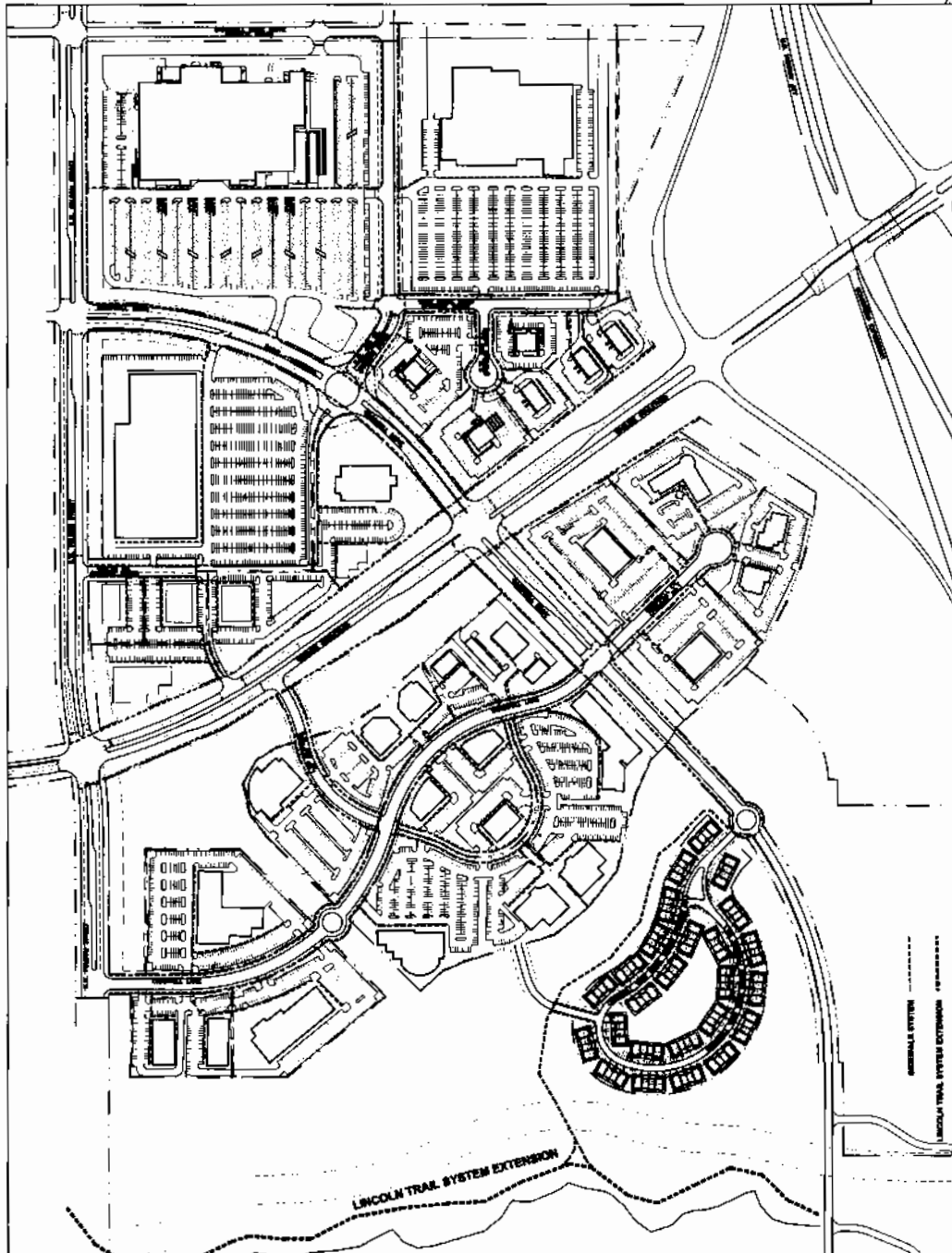
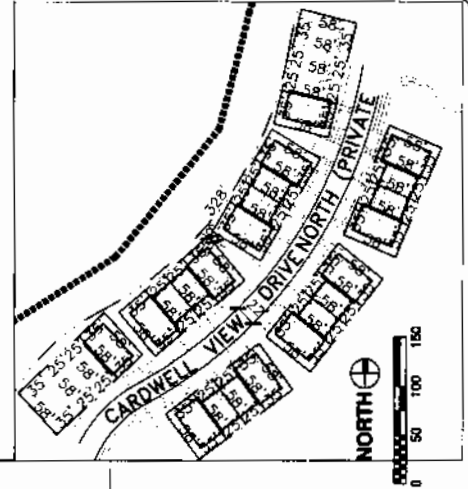
OCTOBER 14, 2005

NEW MIXED USE DEVELOPMENT
LINCOLN, NEBRASKA
HIGHWAY 77 AND MARQUET BOULEVARD

11100 West Street, Suite 200, Omaha, Nebraska 68144 (402) 495-1100

ARCHITECTS
Tracy & Sklar

DATE	10/14/05
BY	TR
CHECKED BY	TR
SCALE	AS SHOWN



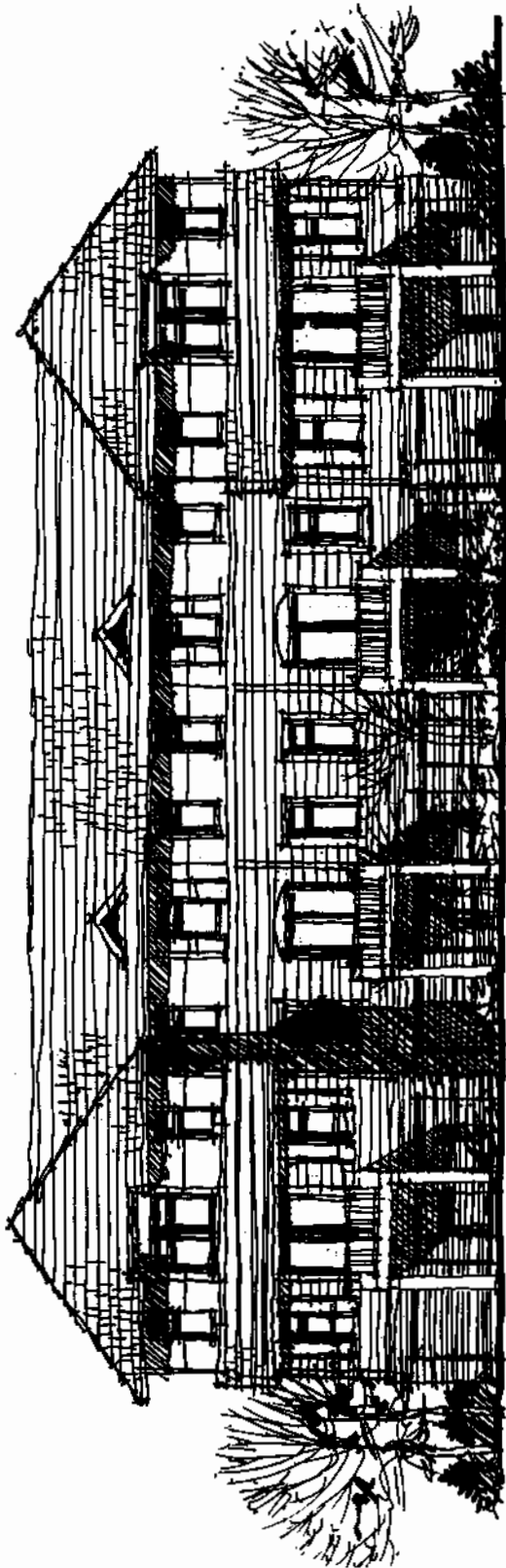
AUGUST 18, 2006

SOUTHWEST VILLAGE RESIDENTIAL P.U.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

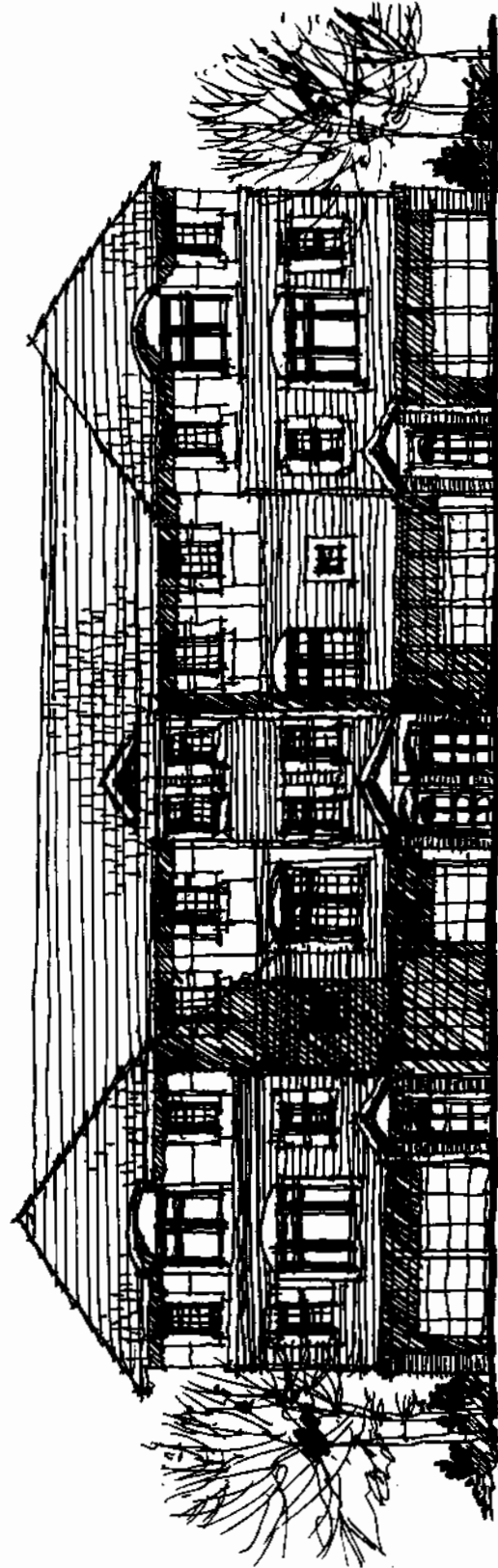
10000 SW 15TH STREET SUITE 200 BOCA RATON, FLORIDA 33433 (561) 994-4444

PROJECTS
Handy & Spink

PROJECT NO. 020572
DATE: 08/18/06
BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1/4" = 1'-0"



CONSERVATION AREA VIEW



STREETSCAPE VIEW

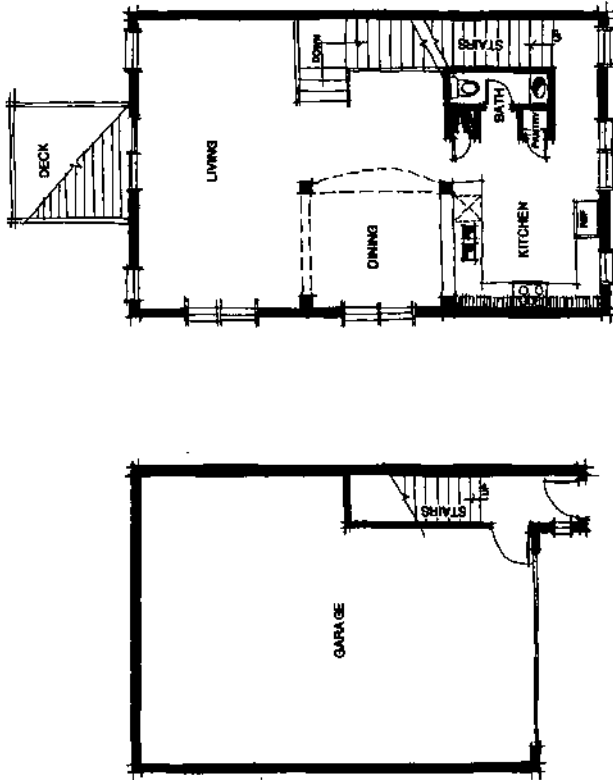
SCALE: 1/4" = 1'-0"

AUGUST 18, 2005

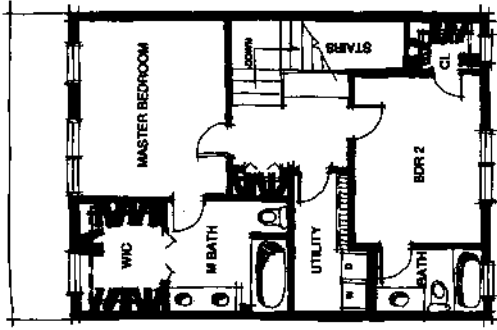
SOUTHWEST VILLAGE RESIDENTIAL P.L.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

ARCHITECTS
Handy & Spink
1319 South Street, Suite 200, Omaha, Nebraska 68102-1445
(402) 441-1445

PROJECT NO.	035
DATE	08/18/05
DRAWN BY	MS
CHECKED BY	MS
IN CHARGE	MS



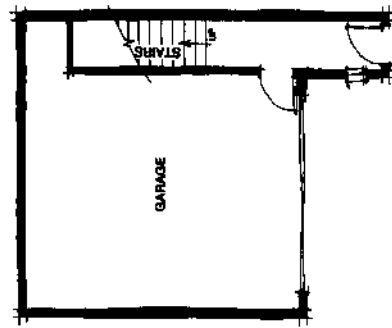
UNIT "A"
1,875 S.F.



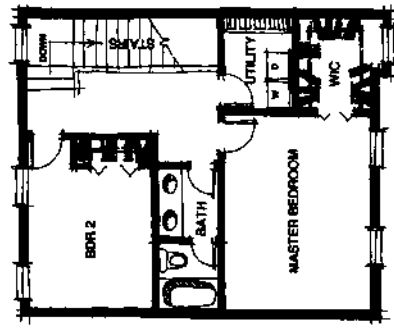
GROUND LEVEL

FIRST LEVEL

SECOND LEVEL



UNIT "B"
1,510 S.F.



UNIT FLOOR PLANS

SCALE: 1/4" = 1'-0"

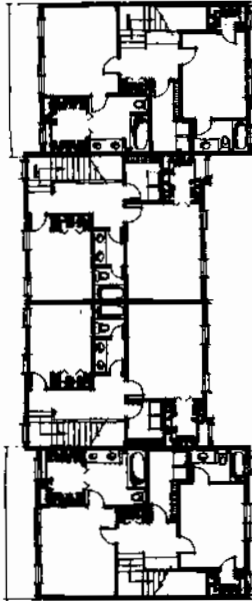
AUGUST 18, 2005

SOUTHWEST VILLAGE RESIDENTIAL P.U.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

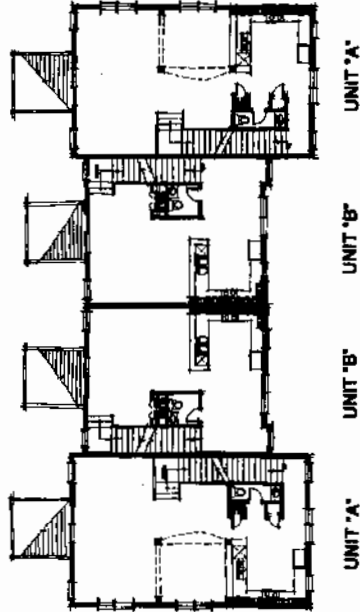
ARCHITECTS
Handy & Spink
1119 Grand Street, Suite 200, Omaha, Nebraska 68102 (402) 499-4400

PROJECT NO. 03367
SHEET NO. 1
DATE

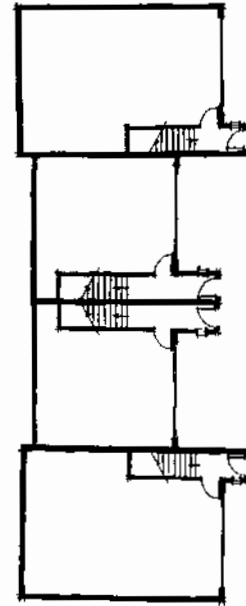
SECOND LEVEL



FIRST LEVEL



GROUND LEVEL



SCALE: 1/8" = 1'-0"

BUILDING FLOOR PLANS

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADII ARE 20' UNLESS OTHERWISE NOTED.
5. ALL INTERSECTION ANGLES SHALL BE 90° ±10° UNLESS OTHERWISE NOTED.
6. DIRECT VEHICULAR ACCESS TO S.W. FOLSOM ST. AND WARLICK BLVD. IS RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE BASED ON NAVD 1988.
8. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND PRIVATE ROADWAYS.
9. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 5' WIDE. (UNLESS OTHERWISE NOTED)
10. ORNAMENTAL LIGHTING ALONG ALL PUBLIC AND PRIVATE STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
11. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
12. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
13. LANDSCAPE SCREENING ALONG THE NORTH PROPERTY LINE OF LOTS 1 AND 2, BLOCK 1, THE EAST SIDE OF LOT 2, BLOCK 1, AND OUTLOT "C", BLOCK 1 SHALL BE BERMED AND SCREENED BY A FACTOR OF 1.5 TIMES THE REQUIRED CITY DESIGN STANDARDS FOR LANDSCAPE SCREENING. THE PORTION OF THE B-2 AREA AND I-3 AREA THAT IS ADJACENT TO HIGHWAY 77 AND VISIBLE FROM THE HIGHWAY SHALL BE SCREENED BY A FACTOR OF 1.5 TIMES THE CITY OF LINCOLN DESIGN STANDARDS. REQUIRED PARKING LOT LANDSCAPE SCREENING FOR PARKING LOTS ABUTTING SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE TO BE INCREASED FROM 60% TO 90%.
14. A BUSINESS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS AND MEDIANS WITHIN THE PUBLIC STREETS WITHIN THE LIMITS OF THE P.U.D.
15. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
16. LOT DIMENSIONS ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF FINAL PLATTING.
17. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
18. EXISTING AND PROPOSED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLATTING.
19. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
20. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL 58, NO. 144/RULES AND REGULATIONS).
21. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS.
22. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. POLE AND OFF-PREMISE SIGNS (E.G., BILLBOARDS) ARE PROHIBITED.
23. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS LESS THAN 100,000 S.F. SHALL BE APPROVED THROUGH THE BUILDING PERMIT PROCESS. SITE LAYOUT PLANS FOR BUILDINGS LARGER THAN 100,000 S.F. SHALL BE APPROVED ADMINISTRATIVELY BY THE PLANNING DIRECTOR.
24. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES OF THE SOUTHWEST VILLAGE P.U.D.
25. LOTS 5 AND 6, BLOCK 2 SHALL BE RESTRICTED TO OFFICE AND BANK USES BY THE PUD. THERE SHALL BE AN ADDITIONAL 2 ACRES OF OFFICE USE WITHIN THE B-2 AREA.
26. THE R-5 AREA SHALL NOT EXCEED 150 DWELLING UNITS.
27. LANDSCAPE SCREENING IS NOT REQUIRED FOR LOTS THAT ABUT THE CONSERVATION EASEMENT.
28. STREET TREES SHALL BE INSTALLED AS PER CITY OF LINCOLN STANDARDS.
29. ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE P.U.D. SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO

OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

1111 LINCOLN MALL • LINCOLN, NEBRASKA 68508-4608 • (402) 474-6311 • FAX (402) 474-8180
ARIZONA • COLORADO • ILLINOIS • KANSAS • MINNESOTA • MISSOURI • NEBRASKA
www.olsonassoc.com



ALL
6 EAST, ALL
IBED AS

CTION 15,
ED BEARING
TO A POINT,
FEET TO THE
ST, A
SECONDS
UTES 03
ES 08
TH 58
THENCE
O A POINT OF
POINT BEING
CLOCKWISE
DIUS OF
EGREES 02
A CHORD
E
2 MINUTES 48
SION, A
A CLOCKWISE
DIUS OF
EGREES 08
AND A CHORD
SECONDS
OF 50.02
ER OF
E EAST LINE
CTION WITH
ES 55
EXTENSION, A
SECONDS
TO A EAST
TANGENT
ELTA ANGLE
GTH OF
WEST ALONG
T TO THE
56 SECONDS
E OF 432.88
ER OF SAID
E EAST LINE
OUTH 89
OF
ANGLE OF 58
27.97 FEET,
CHORD
CURVE IN A
S 38
RRING OF
8.39 FEET TO
OF 89.12
ION, HAVING
ET, A ARC
SECONDS
E, THENCE
57 DEGREES
A CHORD
TANCE OF
LOCKWISE
ADIUS OF
REES 04
THENCE
O A POINT OF
A DELTA
C LENGTH OF
EST, AND A
ITES 33
LONG A
ES 21
CHORD
STANCE OF
ST, A
A CLOCKWISE
ADIUS OF
REES 53
OF REVERSE
A DELTA
LENGTH OF
WEST, AND A
ONG A CURVE
SECONDS, A
OUTH 54
TO A POINT,
9 FEET TO A
G A DELTA
C LENGTH OF
WEST, AND A
ONG A CURVE
MINUTES 49
RRING OF
3.39 FEET TO
TION HAVING A
T, A ARC
3 SECONDS
RE, THENCE
18 DEGREES
ET, A CHORD
STANCE OF
LOCKWISE

- EASEMENT.
28. STREET TREES SHALL BE INSTALLED AS PER CITY OF LINCOLN STANDARDS.
 29. ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE P.U.D. SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
 30. OUTDOOR STORAGE / GARDEN CENTERS SHALL NOT BE PERMITTED ON THE EAST SIDE OF ANY BUILDING IN LOT 2, BLOCK 1 WITHIN 600' OF HIGHWAY 77 RIGHT OF WAY.
 31. STORM WATER ENERGY DISSIPATION IN THE FORM OF ROCK RIP RAP OR OTHER SUITABLE MATERIAL SHALL BE INSTALLED AT ALL STORM SEWER OUTLETS.
 32. ADDITIONAL RIGHT OF WAY SHALL BE DEDICATED TO THE NDOR TO ALLOW FOR RIGHT TURN LANES AS REQUIRED BY THE TRAFFIC STUDY.
 33. THE WIDTH OF THE 1ST STREET R.O.W., SOUTH OF WEST DENTON ROAD WILL BE DETERMINED PURSUANT TO THE TERMS OF THE ANNEXATION AGREEMENT AND WILL BE DEDICATED AT THE TIME OF FINAL PLAT.
 34. AMARANTH LANE BETWEEN S. FOLSOM ST. AND W. DENTON RD. WILL NOT BE FINAL PLATED UNTIL FINAL GEOMETRIC DESIGN HAS BEEN APPROVED FOR THE PROPOSED ROUNDABOUT.
 35. THE LIFT STATION AND FORCE MAIN WILL COMPLY WITH THE CITY'S LIFT STATION POLICY.
 36. ALL OUTLOTS TO BE MAINTAINED BY THE DEVELOPER OR OWNERS ASSOCIATION OR AS DESCRIBED IN THE CONSERVATION EASEMENT AGREEMENT BETWEEN DIAL REALTY DEVELOPMENT CORP., CITY OF LINCOLN, NEBRASKA AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.
 37. THE FUTURE BIKE TRAIL CROSSING AT THE INTERSECTION OF WEST DENTON ROAD AND SOUTH FOLSOM STREET SHALL BE AN AT GRADE CROSSING.
 38. ADDITIONAL SIDEWALK CONNECTIONS CONSISTENT WITH THE INCENTIVE CRITERIA OF THE COMPREHENSIVE PLAN TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO APPROVAL OF FINAL PLAT.
 39. A LETTER OF MAP REVISION BASED ON FILL (LOMR-F) WILL BE COMPLETED AFTER GRADING IS COMPLETED AND PRIOR TO RECEIVING BUILDING PERMITS IN ORDER TO AMEND THE FEMA FLOOD PLAIN MAPS TO ACCURATELY REFLECT THE GRADING AS PER LINCOLN MUNICIPAL CODE 26.25.020 (E).
 40. THE DEVELOPER SHALL BE PERMITTED TO COMPLETE THE GRADING AND PLANTINGS IN PHASES; PROVIDED THAT ANY PHASED GRADING SHALL TEMPORARILY PROVIDE A RATIO OF THREE ACRE FEET OF MITIGATED FLOOD STORAGE VOLUME FOR EVERY ONE ACRE FOOT OF FLOOD STORAGE VOLUME IMPACTED. AT THE TIME ANY PORTION OF THE PROPERTY SOUTH OF WEST DENTON ROAD IS FINAL PLATTED, THE DEVELOPER SHALL SUBMIT A GRADING AND PLANTING PLAN SHOWING THE COMPLETION OF A PERCENTAGE OF THE FLOOD STORAGE AND RIPARIAN/WETLAND ENHANCEMENTS THAT IS PROPORTIONATE TO THE NUMBER OF DEVELOPABLE ACRES BEING FINAL PLATTED.
 41. THE ROUTING OF THE FORCE MAIN ADJACENT TO WILDERNESS PARK SHALL BE APPROVED BY THE PARKS & REC DEPARTMENT.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PLANNED UNIT DEVELOPMENT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

May 04, 2006
DATE


DANIEL A. THOMSON L.S. NO. 593

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

5/4/2006
DATE


MARK PALMER E-9103

APPROVAL

THE FOREGOING PLANNED UNIT DEVELOPMENT WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20____.

ATTEST: _____
CHAIR

APPROVAL

038

COVER SHEET

SOUTHWEST VILLAGE P.U.D.

RECEIVED
MAY 4 2006
LINCOLN CITY-LANCASTER COUNTY
PLANNING DEPARTMENT

REVISIONS

2005

NCOLN, NE

SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

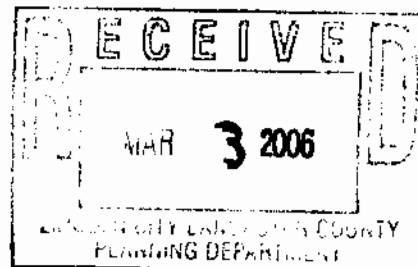
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

March 2, 2006

HAND DELIVERY

Mr. Brian Will
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508




RE: Re-submittal for Southwest Village B-2 PUD

Dear Brian:

Enclosed please find 2 copies of a revised version of the Southwest Village B-2 PUD Development Plan for Warlick Boulevard and US Highway 77, which contains the Conservation Easement as Exhibit "B". Also enclosed are 6 copies of revised plans for the Southwest Village B-2 PUD. The revised plans incorporate the changes required by the Planning Commission, with the following exceptions. The note required in Condition 1.1.20 has not been added to the Development Plan per instructions received from Rick Peo who had concerns about the legality of the language. Instead, subsection (j)(1) has been added to Part 1a: Property PUD General Regulations to address the off premise signage. In addition, the Development Plan has not been revised regarding alcohol sales as required by Condition 1.1.21. The Development Plan already provides for the sale of alcohol for consumption on and off the premises as conditional uses in the B-2 and I-3 Areas.

We have previously forwarded a revised version of the Annexation Agreement for your review and will be meeting with you and other City staff this afternoon regarding that document. Our clients would like to be scheduled on the City Council agenda for first reading on March 20. Please contact us if you have any questions or require additional information.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

cc: Jonathan Cook
Dial Realty Development Corp
Ridge Development Company
Southview, Inc.

LeGrande Excavating, Inc.
Mark Palmer, Olsson Associates
Paul Dodson, NDOR

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

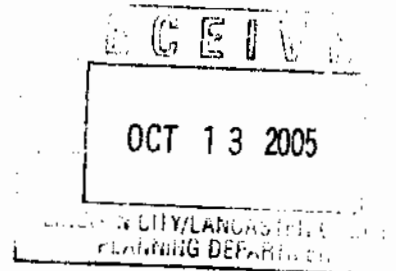
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

October 13, 2005

HAND DELIVERY

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Re-submittal for Warlick Boulevard & US Highway 77 Community Center/Light Industrial/Residential Area

Dear Marvin:

Our office represents Dial Realty Development Corp. ("Dial"), Western Hemisphere Holding Company, LLC ("WHHC"), Southview, Inc. ("Southview"), Developments Unlimited, LLP ("Developments Unlimited"), and Union Title Ten, LLC ("UTT"). On August 18, 2005, we submitted requests with associated applications for annexation, changes of zone to R-3 and R-4, and the Southwest Village PUD, as well as an annexation agreement. Since that time we have had the opportunity to meet with City staff. As a result of those meetings, we have revised and are re-submitting the following materials:

- A. **Annexation Exhibit** - legal description to follow.
- B. **Change of Zone Exhibit** for the R-3 and R-4 rezoning on the Residential Tract - legal descriptions to follow.
- C. **Change of Zone Exhibit** and legal description for the Southwest Village B-2 PUD.
- D. **Southwest Village B-2 PUD Development Plan** for Warlick Boulevard & US Highway 77 (6 copies), including:
 - Part 1. PUD Regulations:* Regulations for the entire B-2 PUD as well as the R-5 Area, B-2 Area and I-3 Area, including
 - Architectural Design Standards prepared by Purdy & Slack Architects (Exhibit "A");
 - Conservation Easement Agreement (Exhibit "B"); and
 - Part 2. PUD Permit:* Architectural and engineering site maps and illustrations of the uses of the Southwest Village B-2 PUD properties, including the following:
 - Master Site Drainage Report prepared by Olsson Associates

Olsson Associates has met with Traffic Engineering and is in the process of revising the traffic study previously submitted to address verbal comments received. As soon as the traffic study revisions are complete, the Annexation Agreement will be revised to address the traffic revisions, as well as oral comments received at the developer negotiation meeting held on September 1, and will be resubmitted.

The rest of the application materials submitted on August 18 are still relevant.

Please contact us if you have any questions or require additional information. We thank you for your consideration of our request.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc: Jonathan Cook
Dial Realty Development Corp
Ridge Development Company
Southview, Inc.
LeGrande Excavating, Inc.
Stephen R. and Cossette L. Stewart
Union Title Ten, LLC
Mark Palmer, Olsson Associates
Doug Halvorson, Purdy & Slack Architects
Noel Salac, NDOR

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

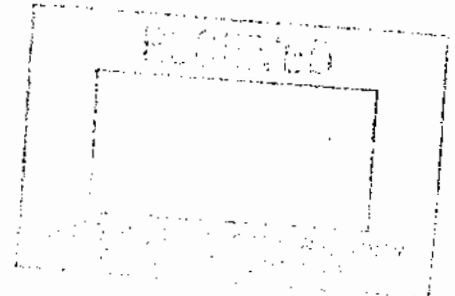
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

August 18, 2005

HAND DELIVERY

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Warlick Boulevard & US Highway 77 Community Center/Light
Industrial/Residential Area

Dear Marvin:

Our office represents Dial Realty Development Corp. ("Dial"), Western Hemisphere Holding Company, LLC ("WHHC"), Southview, Inc. ("Southview"), Developments Unlimited, LLP ("Developments Unlimited"), and Union Title Ten, LLC ("UTT"). In addition, specific clients of ours have entered into written purchase agreements with two landowners: LeGrande Excavating, Inc. ("LeGrande") and Stephen R. and Cossette L. Stewart (collectively "Stewart"). WHHC, Southview, Developments Unlimited and Dial are sometimes collectively referred to herein as "Developer". WHHC, Southview, UTT, LeGrande and Stewart are sometimes collectively referred to herein as "Landowner". The Developer and Landowner are sometimes referred to herein as "Parties in Interest".

WHHC and Southview are the owners of the property located between South Folsom Street, West Denton Road and US Highway 77 (Homestead Expressway) and marked as "Hock Tract" on Attachment "B" of the enclosed Annexation Agreement. Dial has a written contract to purchase the Hock Tract from WHHC and Southview. LeGrande is the owner and Dial has a contract interest in land marked as the "LeGrande Tract" on Attachment "B" of the Annexation Agreement. The Hock Tract and LeGrande Tract are sometimes collectively referred to herein as "the Southwest Village PUD". The Lincoln/Lancaster County Comprehensive Plan designates the Southwest Village PUD as a "Community Center" and "Light Industrial Center".

UTT is the owner of land marked as the "UTT Tract" on Attachment "B" of the Annexation Agreement. Stewart is the owner and Developments Unlimited has a contract interest in land marked as the "Stewart Tract" on Attachment "B" of the Annexation Agreement. The UTT Tract and Stewart Tract are sometimes collectively referred to herein as the "Residential Tract". The Comprehensive Plan's Future Land Use Map designates the Residential Tract as "Residential".

Both the Southwest Village PUD and Residential Tract are designated as Tier 1, Priority A in the Comprehensive Plan.

We hereby request the following:

1. On behalf of the Parties in Interest, annexation of both the Southwest Village PUD and Residential Tract;
2. On behalf of Dial, WHHC, Southview and LeGrande, rezone the Southwest Village PUD from AG Agricultural to R-5 Residential District Planned Unit Development ("R-5 PUD"), B-2 Planned Neighborhood Business District Planned Unit Development ("B-2 PUD") and I-3 Employment Center District Planned Unit Development ("I-3 PUD"); and
3. On behalf of WHHC, Southview, UTT, and Stewart, rezone the Residential Tract from AG Agricultural to R-3 Residential and R-4 Residential.

Enclosed, please find the following:

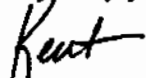
- A. **Annexation Agreement and Exhibit** for the Southwest Village PUD and Residential Tract (3 copies);
- B. **Change of Zone Application** and Exhibit for the R-3 and R-4 rezoning on the Residential Tract. A Change of Zone Application Fee - \$370 for the R-3 rezoning was previously submitted to the Planning Department in our letter to you dated February 17, 2005;
- C. **Change of Zone Application** and Exhibit for the Southwest Village PUD, including ~~R-5 PUD~~, B-2 PUD and ~~I-3 PUD~~ rezoning, including a Change of Zone Application Fee - \$_____. A Change of Zone Application Fee - \$740.00 for the B-2 PUD rezoning was previously submitted to the Planning Department in our letter to you dated February 17, 2005;
- D. **Southwest Village PUD Development Plan** for Warlick Boulevard & US Highway 77 (6 copies), including:
 - Part 1. PUD Regulations:* Regulations of the underlying ~~R-5 PUD~~, B-2 PUD and ~~I-3 PUD~~, including
 - Architectural Design Standards prepared by Purdy & Slack Architects (Exhibit "A");
 - Conservation Easement Agreement (Exhibit "B"); and
 - Part 2. PUD Permit:* Architectural and engineering site maps and illustrations of the uses of the Southwest Village PUD properties, including the following:
 - Master Site Drainage Report prepared by Olsson Associates
- E. Comprehensive Plan Amendment request designating South Folsom Street, south of West Denton Road as an arterial street to be included in the 2025 Road Network. See attached map.
- F. Three copies of the Highway 77 & Warlick Boulevard Temporary Pump Station Memorandum prepared by Olsson Associates.
- G. Three copies of the Ownership Certificate.

H. Three copies of a traffic study prepared by Olsson Associates.

We would like to request a developer negotiation meeting as soon as possible with the City to discuss the proposed annexation and change of zone requests.

Please contact us if you have any questions or require additional information. We thank you for your consideration of our request.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc: Jonathan Cook
Dial Realty Development Corp
Ridge Development Company
Southview, Inc.
LeGrande Excavating, Inc.
Stephen R. and Cossette L. Stewart
Union Title Ten, LLC
Mark Palmer, Olsson Associates
Doug Halverson, Purdy & Slack Architects
Noel Salac, NDOR

**Southwest Village B-2
Planned Unit Development**

**DEVELOPMENT
PLAN**

Warlick Boulevard
& US Highway 77 Area

APRIL 20, 2006

Introduction

Southwest Village B-2 Planned Unit Development ("PUD") is located near U.S. Highway 77 and Warlick Boulevard. The PUD is intended to provide planned residential, office, retail, services, hotel and light industrial facilities as a mixed-use employment and commercial center in an attractive setting. The mixed use area would protect the 100 year flood prone areas and provide open space and other public amenities through the protection of a written conservation easement. The conservation easement enables the PUD to have a ratio of 2 to 1: conservation easement area compared to existing land area in the current floodprone area that may be developed under the PUD. The PUD is authorized and submitted as a planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. The PUD includes three sub-areas:

- 1 R-5 Area
- 2 B-2 Area
- 3 I-3 Area

The attached Site Map shows the property subject to the PUD ("Property") and the three overlay sub-areas. The buildings located within the B-2 Area and the I-3 Area are required to comply with the Architectural Design Standards that are attached hereto as Exhibit "A".

Development Plan

This Development Plan for the Southwest Village B-2 PUD ("Development Plan") describes the regulatory land use provisions. The Development Plan is comprised of two parts: PUD Regulations and PUD Permit.

Part 1. PUD Regulations: Regulations of the underlying R-5 Residential District, B-2 Planned Neighborhood Business District, the I-3 Employment Center District, and other regulatory chapters of the Lincoln Municipal Code ("L.M.C.") and corresponding City of Lincoln Design Standards ("Design Standards") shall apply to the Property, unless specially modified by this Development Plan (collectively "PUD Regulations"). Marked modifications to the underlying City of Lincoln land use ordinances and regulations are shown on the following pages. The PUD Regulations have the following four sections:

- 1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village B-2 PUD;
- 1b. **R-5 Area:** Regulations applicable to those portions of the Property marked R-5 Area;
- 1c. **B-2 Area:** Regulations applicable to those portions of the Property

- marked B-2 Area; and
- 1d. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area.

Part 2. PUD Permit: Architectural and engineering site maps and illustrations of the uses of the Property, including corresponding notes, shall apply to the Property ("PUD Permit"). The PUD Permit also designates AG "Conservation Use Areas" which are subject to a written conservation easement in a form substantially similar to the Conservation Easement attached hereto as Exhibit "B". The Conservation Easement must be granted to the City prior to final plat approval of any portion of the PUD located south of West Denton Road as a buildable lot of record.

The Development Plan components modify the use limitations and regulations of the L.M.C. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, open space and other public spaces.

Southwest Village B-2 PUD

The Southwest Village B-2 PUD is authorized and approved as a planned unit development district pursuant to Chapter 27.60 of the L.M.C., as may be amended from time to time. A separate use permit is not necessary or required to permit any use permit use. This Southwest Village B-2 PUD will replace any required use permit under the L.M.C. and any applicable ordinances, regulations, codes, and design standards. Unless otherwise stated herein, a separate special permit is required for any permitted special use.

After approval of the Southwest Village B-2 PUD, building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his/her designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved PUD. After the City Council has approved the PUD, the Planning Director is authorized to approve amendments to the Development Plan pursuant to L.M.C. §27.60.060. In circumstances where there are conflicts between the PUD Regulations and the PUD Permit, the PUD Permit shall control.

Part 1: PUD Regulations

The PUD Regulations are comprised of four sections:

- 1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village B-2 PUD;
- 1b. **R-5 Area:** Regulations applicable to those portions of the Property marked R-5 Area;
- 1c. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area; and
- 1d. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area.

Regulations of the underlying R-5 Residential District, B-2 Planned Neighborhood Business District, I-3 Employment Center District, and other regulatory chapters of the L.M.C. and corresponding City of Lincoln Design Standards ("Design Standards") shall apply to the Property, unless specially modified by this Development Plan (collectively "PUD Regulations"). Marked modifications to the underlying City of Lincoln land use ordinances and regulations are shown on the following pages.

Part 1a: Property PUD – General Regulations

These General Regulations are applicable for the entire Property comprising the Southwest Village B-2 PUD. Should the terms of these General Regulations and the Area Regulations conflict, these General Regulations shall control.

(a) Definitions.

(1) A "commercial building" shall mean an office, nonprofit religious, education, and philanthropic institutions, banks, savings and loan association, credit union, and finance companies.

(b) General Regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited on the Property prior to the approval of a PUD Permit in conformance with the requirements of this Development Plan.

(c) Use Regulations.

(1) Uses within the PUD shall be governed by the following land use chart:

Uses	Floor Area (Square Feet)	Floor to Area Ratio	Acres
Office and Industrial	500,000*	30%	38.3
Commercial/Retail	800,000	19.1%	96
Hotel/Motel	250 Rooms		6.7
Residential	160 dwelling units		10
Total	1,300,000**		151

*The PUD must have at least an aggregate of 500,000 square feet of office and industrial uses.

**The PUD shall not exceed an aggregate of 1,300,000 square feet of office, industrial and commercial/retail square feet.

(2) For purposes of the specific regulations described in this section, banks, savings and loan associations, credit unions, and finance companies may be counted as office use in paragraph (c)(1) above.

(3) For purposes of the specific regulations described in this section, hotels and motels, up to the maximum 250 allowed rooms, shall not be counted towards the office, commercial/retail or industrial numbers stated in paragraph (c)(1) above.

(4) The chart attached hereto as Exhibit "C" and incorporated herein by this reference shall be completed in conjunction with each building permit issued within the PUD.

(d) Specific Regulations.

(1) The pedestrian system within the PUD will provide several entry points-

from the adjacent streets and adequate internal circulation for pedestrians.

(e) Additional Heights and Area Regulations.

(1) Section 27.71.210, Enlargement and Alteration of Lots shall not apply to the R-5 Area.

(f) Subdivision.

(1) Southwest Village B-2 PUD Permit shall be deemed a preliminary plat and not a Community Unit Plan.

(2) The PUD Permit shall meet the definition and usage of preliminary plat as that term is used in the L.M.C. The Development Plan includes the general form and contains the information typically required of a preliminary plat. The Planning Director may add or delete any informational requirements in order to determine potential impacts.

(3) Lot lines and lot numbers do not need to be submitted with the Southwest Village B-2 PUD. A total maximum number of dwelling units is stated on the Southwest Village B-2 PUD. Instead, lot lines and lot numbers will be submitted with the final plat(s) and no amendments to the PUD will be necessary. The Southwest Village B-2 PUD, in conjunction with the final plat(s), will conform to the requirements of Chapter 26.15.

(4) Section 26.11.030 (b), (c) and (d), Staff Review of Preliminary Plat, shall not apply. Instead, per the PUD Ordinance (27.60.040) upon filing of a development plan, together with all maps, data and information required, the application shall be reviewed and a staff report shall be prepared for the Planning Commission.

(5) Section 26.11.110, Responsibilities for Improvements in Collector and Major Streets, is hereby modified so that the subdivider shall not have any responsibilities for Major Streets, except for the payment of Impact Fees or any alternative sums as provided in the Southwest Village Annexation Agreement.

(6) The property may be subdivided into lots of record, including horizontal air rights subdivision, provided the lots comply with the City Design Standards.

(g) Development Plan Standards.

(1) Pursuant to Section 26.23.125, Pedestrian Ways, block lengths may exceed 1000' in areas where the Southwest Village B-2 PUD is attempting to avoid crossing or connecting through the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village B-2 PUD and will not require a pedestrian way easement.

(2) Pursuant to Section 26.23.130, Block Sizes, block lengths may exceed 1320' in areas where the Southwest Village B-2 PUD is attempting to avoid crossing the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village B-2 PUD.

(3) Pursuant to Section 26.23.140, Lot, Southwest Village B-2 PUD's side lines of lots will be set to provide the best buildable area based on street patterns, conservation easement areas, Highway 77 and amenities on the site.

(h) Sewer Design Standards.

- (1) Sanitary Design Sewer Design Standards, Section 2, Sanitary Sewer Policies Section shall be modified to allow a temporary force main and pump that is designed and operated pursuant to the City's temporary force main and pump policies.
- (i) **Parking.**
 - (1) Parking spaces are permitted in any required rear yard; provided that there shall be a five (5) feet minimum open space buffer between the lot line and the parking spaces.
 - (2) Notwithstanding any contrary provision stated in the L.M.C., all required B-2 Area and I-3 Area parking spaces shall be provided either (i) on the same lot as the use for which they are required, (ii) off-premise in the cross-parking easement area or (iii) shared parking pursuant to Section 27.67.040(f).
- (j) **Signage.**
 - (1) Off-premise signs (billboards) are prohibited within all areas of the PUD, except that ground signs which serve to advertise and/or identify a product, service, or activity conducted off the premise on which the ground sign is located or identifies said off premises or use thereof, and is within 600 feet of the premise are permitted within the B-2 Area and I-3 Area. This provision does not allow any additional signs beyond the number allowed in the B-2 and I-3 Districts.
 - (2) No pole signs will be permitted within the PUD.
 - (3) Pursuant to Section 26.69.046(d), there is no requirement that an on-premises ground sign within the B-2 Area be located within thirty feet of the pad site building.
 - (4) Pursuant to Section 26.69.081(d), there is no requirement that an on-premises ground sign within the I-3 Area be located within thirty feet of the pad site building.
- (k) **Chapter 2.00 Sanitary Sewer Design Standards.**
 - (1) Pursuant to Section 3, Design and Construction, no manholes shall exceed 15' deep and no sewer mains shall exceed 18' in depth, except for those sections of line extending under the U.S. Highway 77 and Warlick Boulevard interchange improvements.
- (l) Pursuant to Section 2, Policies, the distance between intersections of streets along the major streets will be a minimum of 1,000 feet and a maximum of a quarter mile, except for the section of major street between the Warlick Boulevard and South 1st Street intersection and the Cardwell Lane and South 1st Street intersection, which will be a minimum of 800 feet.

Part 1b: R-5 Area

Regulations applicable to those portions of the Property marked R-5 Area.

Chapter 27.19 (modified)

R-5 Area

Sections:

27.19.010	Scope of Regulations.
27.19.020	Use Regulations.
27.19.030	Permitted Conditional Uses.
27.19.040	Permitted Special Uses.
27.19.050	Accessory Uses.
27.19.060	Parking Regulations.
27.19.070	Sign Regulations.
27.19.075	Grading and Land Disturbance Regulations.
27.19.080	Height and Area Regulations.
27.19.090	Neighborhood Design Standards.

This district is intended to provide a redeveloping area of moderate residential density of between six and ten dwelling units per acre. This district provides for single-family, two-family, and multiple and townhouse residential uses, plus support facilities, such as schools, parks, community buildings, and churches.

27.19.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-5 Area. (Ord. 12571 § 125; May 8, 1979).

27.19.020 Use Regulations.

A building or premises shall be permitted to be used for the following purposes in the R-5 Area:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple dwellings;
- (d) Townhouses;
- (e) Parks, playgrounds, and community buildings owned or operated by a

- public agency;
- (f) Public libraries;
 - (g) Public elementary and high schools, or private schools (Ord. 12571 §126; May 8, 1979);
 - (h) Dwellings for members of religious orders;
 - (i) Elderly or retirement housing;
 - (j) Children's homes;
 - (k) Farming and the sale of farm produce;
 - (l) Health care facilities, including hospitals; convalescent or nursing homes; facility for out-patient physical, occupational, or vocational therapy or rehabilitation; public health clinics and facilities, and ambulatory surgical care centers;
 - (m) Office;
 - (n) Nonprofit religious, educational, and philanthropic institutions;
 - (o) Conservation uses that are protected by a written conservation easement.

27.19.030 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the R-5 Area in conformance with the conditions prescribed herein:

- (a) Churches:
 - (1) Parking shall be in conformance with Chapter 27.67;
 - (2) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater.
- (b) Group homes:
 - (1) Group homes shall comply with all sign, height and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the requirements of Chapter 27.67;
 - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than 1,200 feet;
 - (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
- (c) Early childhood care facilities in churches:
 - (1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;
 - (2) Such facilities shall comply with all applicable state and local early childhood care requirements;
 - (3) Such facilities shall comply with all applicable building and life safety code requirements;
 - (4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
 - (5) Such facilities must receive a conditional use permit from the Department of Building and Safety.
- (d) Domestic shelter:
 - (1) Parking shall be in conformance with Chapter 27.67;
 - (2) The maximum number of residents occupying such a facility shall

not exceed one person per 750 square feet of lot area;

(3) The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.

(e) Early childhood care facilities with a maximum of fifteen children present at anytime:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities shall be used as the permanent residence of the licensed child care provider;

(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department. (Ord. 18476 §9; December 13, 2004; prior Ord. 16854 §14; August 14, 1995: Ord. 15751 §7; October 15, 1990: Ord. 14060 §3; February 25, 1985: Ord. 13302 §5, February 1, 1982: Ord. 12571 §127; May 8, 1979).

27.19.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-5 Area if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

(a) Intentionally omitted;

(b) Health care facilities for sixteen or more people residing which receive therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability;

(c) Intentionally omitted;

(d) Recreational facilities;

(e) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;

(f) Broadcast towers;

(g) Certain parking lots as defined in Chapter 27.63;

(h) Clubs;

(i) Intentionally omitted;

(j) Community unit plans in conformance with Chapter 27.65;

(k) Expansion of nonconforming uses;

(l) Historic preservation;

(m) Public utility purposes;

(n) Wind energy conversion systems;

(o) Housing and related facilities for the physically handicapped;

(p) Outdoor seasonal sales;

- (q) Cemeteries;
- (r) Domiciliary care facility;
- (s) Expansion of nonstandard single and two-family dwellings into required yards;
- (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.19.030;
- (u) Neighborhood support services;
- (v) Connection of single-family dwelling to accessory building for the physically handicapped;
- (w) Alternative to imprisonment facilities;
- (x) Intentionally omitted. (Ord. 18535 §11; May 9, 2005; prior Ord. 18476 §10; December 13, 2004: Ord. 16854 §15; August 14, 1995: Ord. 16820 §5; July 10, 1995: Ord. 16673 §9; September 26, 1994: Ord. 15371 §5; December 18, 1989: Ord. 15368 §7; December 18, 1989: Ord. 14815 §4; January 4, 1988: Ord. 14780 §6; November 2, 1987: Ord. 14767 §5; October 12, 1987: Ords. 14475, 14510, 14562, as amended by Ord. 14644 §7; April 13, 1987: Ord. 14074 §3; April 8, 1985: Ord. 13980 §1; October 29, 1984: Ord. 13588 §6; May 9, 1983: Ord. 13546 §6; February 28, 1983: Ord. 12978 §7; August 25, 1980: Ord. 12894 §7; April 7, 1980: Ord. 12571 §128; May 8, 1979).

27.19.050 Accessory Uses.

Accessory uses permitted in the R-5 Area are accessory buildings and uses customarily incident to the above uses, including storage garages where the lot is occupied by a multiple dwelling. (Ord. 12571 §129; May 8, 1979).

27.19.060 Parking Regulations.

All parking within the R-5 Area shall be in conformance with the provisions of Chapter 27.67. (Ord. 12571 §130; May 8, 1979).

27.19.070 Sign Regulations.

Signs within the R-5 Area shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §131; May 8, 1979).

27.19.075 Grading and Land Disturbance Regulations.

Grading and land disturbance within the R-5 Area shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §8; February 22, 2000.)

27.19.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the R-5 Area shall be as follows:

- (a) General requirements:

Table 27.19.080(a)						
	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
Dwelling, single-family	5,000	50'	10'	5'	*	35'
Dwelling, two-family	2,500 per family	25' per family	0'	5' or 0' on party	*	35'

Townhouses	1,000 per family	20' per family	0'	7' or 10' if over 20' in height or 0' on party wall or party floor	*	45'
Dwelling, Multiple	1,500 per unit	50'	10'	7' or 10' if over 20' in height or 0' on party wall or party floor	*	60'
Conservation Uses	5,000	0'	0'	0'	0'	35'
Other permitted uses	5,000	50'	20'	5'	*	35'
* Smaller of 10' or 20% of depth. See note (c) below.						

(b) There shall be a 300 feet setback from a building containing a Section 27.51.030(c)(3) use involving Hazardous Materials located in any I-3 Area.

(c) Notwithstanding any contrary provision herein, when a lot abuts a recorded conservation easement area, there shall not be a minimum required side yard or required rear yard abutting the recorded conservation easement.

(d) There shall be a required front yard on each street side of a double-frontage lot.

(e) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards. Where corner lots are separated by a common rear lot line, the minimum required yard shall be ten feet on the side along the street adjacent to both corner lots.

(f) Open space requirements for residential use: open space will be provided in the recorded conservation easement area.

(g) Accessory buildings which are attached to or not located more than six feet from the main structure shall be considered a part of the main structure and shall comply with the height, front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than forty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(h) Where a lot of record as of November 2, 1953, has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since

Part 1c: B-2 Area

Regulations applicable to those portions of the Property marked B-2 Area.

Chapter 27.31 (modified)

B-2 Area

Sections:

27.31.010	Scope of Regulations.
27.31.020	General Purpose.
27.31.030	Permitted Uses.
27.31.040	Permitted Conditional Uses.
27.31.050	Permitted Special Uses.
27.31.060	Accessory Uses.
27.31.070	Parking Regulations.
27.31.080	Sign Regulations.
27.31.085	Grading and Land Disturbance Regulations.
27.31.090	Height and Area Regulations.
27.31.100	Intentionally Deleted.
27.31.110	Architectural Design Standards.

This district is intended to provide a developing area for planned retail, service and office uses to serve neighborhoods. This district includes a PUD Permit to provide for the integration of the business area with adjacent residential areas and thus reduce the adverse impact on residential areas through enhanced design.

27.31.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-2 Area. (Ord. 12571 §165; May 8, 1979).

27.31.020 General Purpose.

The regulations for the B-2 Area set forth in this chapter are established to permit the development of local retail shopping, services and office facilities and related activities which will provide for planned and controlled consumer services on a neighborhood level, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community. (Ord. 12571 §166; May 8, 1979).

27.31.030 Permitted Uses.

A building or premises shall be used only for the following purposes in the B-2 Area:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Garden centers;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- (i) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (j) Service stations;
- (k) Hospitals and clinics for animals, but not open kennels;
- (l) Self-service laundromats;
- (m) Receiving stores for dry cleaning or laundry;
- (n) Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space.
- (o) Messenger and telegraph stations;
- (p) Office buildings;
- (q) Restaurants;
- (r) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- (s) Undertaking establishments;
- (t) Photography studios;
- (u) Bicycle sales and repair shops;
- (v) Key shops;
- (w) Ambulance services;
- (x) Clubs;
- (y) Enclosed commercial recreational facilities;
- (z) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;
- (aa) Community colleges, colleges, or other post-secondary education facilities;
- (bb) Farming and the sale of farm produce;
- (cc) Health care facilities, including hospitals; convalescent or nursing homes; facility for out-patient physical, occupational, or vocational therapy or rehabilitation; public health clinics and facilities, and ambulatory surgical care centers;
- (dd) Lumberyard and home improvement;
- (ae) Commercial Building.

(Ord. 18345 §1; April 26, 2004; prior Ord. 17320 §2; April 20, 1998: Ord. 16962 §2;

March 25, 1996: Ord. 16767 §5; April 10, 1995: Ord. 16593 §2; April 11, 1994: Ord. 14626 §2; March 16, 1987: Ord. 13736, as amended by Ord. 13745 §2; January 3, 1984: Ord. 12571 §167; May 8, 1979).

27.31.040 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the B-2 Area in conformance with the conditions prescribed herein:

- (a) Automobile wash facility:
 - (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.
 - (2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.
- (b) Motels and hotels:
 - (1) A distance of at least twenty feet shall be maintained between buildings on the lot;
 - (2) Each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.
- (c) Dwellings, provided that:
 - (1) Dwellings shall only be permitted above the first story of a building;
 - (2) The first story shall be used for a nondwelling use permitted in the district;
 - (3) Said nondwelling use shall not:
 - (i) be a parking lot or garage.
 - (4) Said first story shall not have more than twenty percent of its height below grade.
- (d) Early childhood care facilities:
 - (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
 - (2) Such facilities shall comply with all building and life safety code requirements.
 - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.
- (e) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:
 - (1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;
 - (2) A tent or other temporary structure shall not remain on the premises for more than 180 consecutive days;

(3) A tent or other temporary structure shall comply with all applicable building and life safety codes; A tent or other temporary structure need not be shown on the approved PUD Permit site plan.

(f) Sale of alcoholic beverages for consumption on the premises:

(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met; provided that the side yard adjacent to such building shall be 50 feet.

(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(3) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

(g) Sale of alcoholic beverages for consumption off the premises:

(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met; provided that the side yard adjacent to such building shall be 50 feet.

(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(3) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licensed premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council. (Ord. 18345 §2; April 26, 2004; prior Ord. 17364 §1; June 29, 1998; Ord. 17051 §1; August 26, 1996; Ord. 16926 §2; February 5, 1996; Ord. 16854 §30; August 14, 1995; Ord. 13344 §2; March 29, 1982; Ord. 12571 §168; May 8, 1979).

A building or premises may be used for the following purposes in the B-2 Area if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Health care facilities for sixteen or more people residing which receive therapy, counseling, or rehabilitation of physical, emotional, or mental disease or disability;
- (b) Recreational facilities;
- (c) Broadcast towers;
- (d) Extraction of sand, gravel, and soil;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum height permitted in the B-2 Area;
- (f) Expansion of nonconforming uses;
- (g) Historic preservation;
- (h) Public utility purposes;
- (i) Wind energy conversion systems;
- (j) Cemeteries;
- (k) Mail order catalog sales. (Ord. 18229 §3; August 18, 2003; prior Ord. 16144 §5; July 6, 1992; prior Ord. 14378 §10; May 5, 1986: Ord. 14138 §10; June 1, 1985: Ord. 12978 §15; August 25, 1980: Ord. 12894 §18; April 7, 1980: Ord. 12571 §169; May 8, 1979).

27.31.060 Accessory Uses.

Accessory uses permitted in the B-2 Area are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §170; May 8, 1979).

27.31.070 Parking Regulations.

All parking within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §171; May 8, 1979).

27.31.080 Sign Regulations.

Signs within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §172; May 8, 1979).

27.31.085 Grading and Land Disturbance Regulations.

Grading and land disturbance within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §17; February 22, 2000.)

27.31.090 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-2 Area shall be as follows:

- (a) General requirements:

**Table
27.31.090(a)**

Lot Area (Sq. ft.)	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
-----------------------	---------------------	--------------------	--------------------	--------

Dwellings	2,000 per unit	**	20'	50'	40'
Other Permitted Uses**	0	**	0', 20'* when abutting residential district	0', 50'* when abutting residential district	40'

* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

** The required setbacks are shown on the Southwest Village B-2 PUD Site Plan.

(b) There shall be a required front yard on each street side of a double frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on April 29, 1963, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards;

(d) Accessory buildings shall not extend into any required yard;

(e) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for the next four dwelling units;

25 square feet per unit for the next four dwelling units;

20 square feet per unit for each additional dwelling unit

beyond nine. This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, balconies, and terraces as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop; provided, the roof is designed and surfaced in such a manner that it may be developed with areas of planting, open space, recreation, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space.

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less. (Ord.12571 §173; May 8, 1979).

23.31.100 Intentionally Deleted.

27.31.110 Architectural Design Standards.

(a) The buildings located within the B-2 Area shall comply with the Architectural Design Standards that are attached hereto as Exhibit "A".

owner's architectural review committee for review and approval. Then a letter of approval from the architectural review committee (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit.

Part 1d: I-3 Area

Regulations applicable to those portions of the Property marked I-3 Area.

Chapter 27.51 (modified)

I-3 Area

Sections:

27.51.010	Scope of Regulations.
27.51.020	General Purpose.
27.51.030	Use Regulations.
27.51.040	Permitted Conditional Uses.
27.51.050	Permitted Special Uses.
27.51.060	Accessory Uses.
27.51.070	Parking Regulations.
27.51.080	Sign Regulations.
27.51.085	Grading and Land Disturbance Regulations.
27.51.090	Height and Area Regulations.
27.51.100	Intentionally Deleted.
27.51.110	Architectural Design Standards.

27.51.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the I-3 Area. (Ord. 17232 § 1; August 18, 1997).

27.51.020 General Purpose.

The regulations for the I-3 Area set forth in this chapter are established to permit the development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 Area is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and policies of the community. (Ord. 17232 § 2; August 18, 1997).

27.51.030 Use Regulations.

(a) General Regulations. Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited in the I-3 Employment Center District prior to the approval of a PUD Permit.

(b) Specific Regulations.

(1) Intentionally omitted.

(2) Intentionally omitted.

(3) Intentionally omitted.

(4) Those conditional and special uses permitted in Sections 27.51.040 and 27.51.050 below shall be limited by the restrictions placed thereon.

(5) All uses shall comply with all applicable ordinances and regulations including such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as may be approved by resolution of the City Council.

(6) No galvanized or other raw metal sheeting shall be used for the exterior construction of any building. No painted galvanized or other painted metal sheeting shall be used for more than seventy percent (70%) of the exterior construction of a building on any side of such building which is visible from an abutting public street.

(c) Permitted Uses. Subject to the general and specific regulations above, a building or premises may be used for the following purposes in the I-3 Area:

(1) Retail and service;

(2) Office;

(3) Production, manufacturing, assembly, processing, warehousing, storage, distribution, or transportation of goods and materials, except:

(i) The refining, distillation, or manufacture of:

A. Acids or alcohols;

B. Ammonia, bleach, or chlorine;

C. Asphalt, tar, or products made therewith, including roofing or waterproofing;

D. Cement, lime, gypsum, or plaster of paris;

E. Disinfectants;

F. Dyestuffs;

G. Fertilizer;

H. Glue, sizing, or gelatin;

I. Oilcloth, linoleum, oiled rubber goods;

J. Paint, shellac, turpentine, or oils;

K. Rubber, gutta-percha, balata, creosote, or products treated therewith;

L. Shoe polish;

(ii) The operation of:

A. Bag cleaning works;

B. Blast furnaces, coke ovens, smelting or ore reduction works; C. Boiler works;

D. Forges;

E. Rolling mills;

F. Yeast plants;

(iii) Production, manufacture, processing, distribution, and storage, warehousing, or transportation of toxic, radioactive, flammable, or explosive

materials, except that any of the above referenced materials may be stored or used in connection with a permitted use as allowed by any ordinances or regulations of the City of Lincoln as incidental to the permitted use;

(iv) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl; rendering fat; distillation of bones, coals or wood;

(v) Dumping or reduction of garbage, offal, or dead animals;
(vi) The manufacture of acetylene, or the transfer of the gas from one container to another, or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic feet at standard temperature and pressure;

(vii) Mining, quarrying, stone milling, or rock crushing;

(viii) Extraction of sand, gravel, or soil;

(ix) The milling, processing, refining, or distillation of agricultural crops.

(4) Community colleges, colleges, or other post-secondary education facilities;

(5) Private schools;

(6) Nonprofit religious, educational and philanthropic institutions;

(7) Farming and the sale of farm produce.

(8) Health care facilities, including hospitals; convalescent or nursing homes; facility for out-patient physical, occupational, or vocational therapy or rehabilitation; public health clinics and facilities, and ambulatory surgical care centers;

(9) Conservation uses that are protected by a written conservation easement.

(Ord. 17907 §1; August 27, 2001; prior Ord. 17232 § 3; August 18, 1997).

27.51.040 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the I-3 Area in conformance with the conditions prescribed herein:

(a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals. Such use shall:

(1) Be adequately screened from public view;

(2) Be for storage of such materials for use on the premises and not for resale, except that resale of such stored material at retail only shall be permitted in conjunction with the operation of a service station or similar retail outlet pursuant to Section 27.51.070;

(3) Be located, constructed, maintained, and operated in compliance with all codes and regulations of the City of Lincoln;

(b) Liquefied petroleum, gas and similar gas used for fuel stored in tanks above ground, provided:

(1) Such tanks may not exceed 30,000 gallon capacity;

(2) Such gas shall be used for use on the premises, and not for resale;

(3) Such tanks shall be adequately screened from public view by a fire-resistant ventilated barrier which shall be at least six feet in height;

(4) Such use must be in full compliance with all codes and regulations of the City of Lincoln;

(c) All other combustible materials:

(1) Combustible materials shall be stored in such a way as to permit free access of fire-fighting equipment;

(2) Such use must be in full compliance with all codes and regulations of the City of Lincoln;

(d) Motels and hotels:

(1) A distance of at least twenty feet shall be maintained between buildings on the lot;

(2) Each hotel or motel unit shall have a minimum enclosed floor area of 200 feet..

(e) Automobile wash facility:

(1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.

(2) Self-service, coin-operated car wash: The car wash facility shall not exceed four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "Guidelines and Regulations for Driveway Design and Location" as adopted by the City of Lincoln. The stacking space shall not be located within the required front yard.

(f) Church:

(1) The church shall develop an emergency response plan to the satisfaction of the Health Department, both written and drawn, including a house-in-place scenario and an off-site evacuation. The Health Department may provide technical assistance in this matter.

(2) The church shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the church, notify the Health Department of such condition. Following such notification, the church shall, in cooperation and consultation with the Health Department, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the church's property. The church shall further cooperate with the Health Department in determining measures which may be taken on the church's property to protect the health safety, and welfare of persons using the church's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures.

(3) The electrical breaker switch of the heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or the church shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily accessible at all times to the

church's staff. The church's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch. (Ord. 18438 §7; September 20, 2004; prior Ord. 17232 § 4; August 18, 1997).

(g) Sale of alcoholic beverages for consumption on the premises:

(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met; provided that the side yard adjacent to such building shall be 50 feet.

(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(3) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

(h) Sale of alcoholic beverages for consumption off the premises:

(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met; provided that the side yard adjacent to such building shall be 50 feet.

(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(3) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licensed premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.31.100, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

(i) Dwellings, provided that:

(1) Dwellings shall only be permitted above the first story of a retail, service or office building;

(2) The first story shall be used for a nondwelling use permitted in the district;

- (3) Said nondwelling use shall not:
 - (i) be a parking lot or garage.
- (4) Said first story shall not have more than twenty percent of its height below grade.

27.51.050 Permitted Special Uses.

A building or premises may be used for the following purposes in the I-3 Area if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Broadcast tower;
- (b) Intentionally omitted;
- (c) Intentionally omitted;
- (d) Early childhood care facilities;
- (e) Public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school;
- (f) Sexually oriented live entertainment establishments. (Ord. 17731 §11; September 25, 2000; prior Ord. 17232 § 5; August 18, 1997);
- (g) Health care facilities for sixteen or more people residing which receiving therapy, counseling, or rehabilitation for physical, emotional, or mental disease or disability.

27.51.060 Accessory Uses.

Accessory uses permitted in the I-3 Area are accessory buildings and uses customarily incident to the permitted uses, except that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Area. Accessory uses involving the open storage of materials or other articles shall only be allowed in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height. (Ord. 18438 §8; September 20, 2004; prior Ord. 17232 § 6; August 18, 1997).

27.51.070 Parking Regulations.

All parking within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 17232 § 7; August 18, 1997).

27.51.080 Sign Regulations.

Signs within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 17232 § 8; August 18, 1997).

27.51.085 Grading and Land Disturbance Regulations.

Grading and land disturbance within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §27; February 22, 2000.)

27.51.090 Height and Area Regulations.

Minimum area for the establishment of the I-3 Area is fifty acres. The maximum height and minimum lot requirements within the I-3 Area shall be as follows:

- (a) General Requirements.

Table 27.51.090(a)						
	Lot Area (Sq. ft.)	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
27.51.030(c)(3)						
Uses	0	50'	***	0'	0'	55'***
Retail	0	50'	***	0'	0'	45'***
Office	0	50'	***	0'	0'	45'***
Conservation Uses	5,000	0'	0'	0'	0'	35'
Other	0	50'	***	0'	0'	35'
* When a side or rear yard abuts a residential district (excluding (i) recorded conservation easement area and the (ii) R-5 Area), the required yard shall be 50 feet and screened in conformance with the landscape design standards adopted by the City of Lincoln.						
** When a side or rear yard of an Employment Center or an office/retail use abuts a residential district, the maximum height of any improvement located within 150 feet of the residential district shall be 35 feet.						
*** The required setbacks are shown on the Southwest Village B-2 PUD Site Plan.						

(b) Notwithstanding any contrary provision herein, when a lot abuts a recorded conservation easement area, then the minimum required side yard and required rear yard abutting the recorded conservation easement shall be a minimum of five (5) feet.

(c) There shall be a required front yard on each street side of a double-frontage lot.

(d) There shall be a required front yard on each street side of a corner lot.

(e) Accessory buildings shall comply with the height, and front, side, and rear yard requirements of the main structure.

(f) All required yards shall be entirely devoted to landscaping, except for necessary paving of walkways and driveways to reach parking and loading areas from a public or private street, and provided, further, that any driveways which intersect the front yard shall not be wider than thirty feet.

(g) No loading facilities shall be located in any required yard. Loading facilities located within 150 feet of any street shall be visually screened. (Ord. 17907 §2; August 27, 2001; prior Ord. 17232 § 9; August 18, 1997).

27.51.100 Intentionally Deleted.

27.51.110 Architectural Design Standards.

(a) The buildings located within the I-3 Area shall comply with the Architectural Design Standards that are attached hereto as Exhibit "A".

(b) All buildings within the I-3 Area shall be subject to the Architectural Design Standards. Each building's elevation shall be first submitted to the property owner's architectural review committee for review and approval. Then a letter of approval from the architectural review committee (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit.

Exhibit "A"

**ARCHITECTURAL DESIGN
STANDARDS
Southwest Village B-2 PUD
Warlick Boulevard & U.S. Highway 77
Lincoln, Nebraska**

October 13, 2005

1. DESIGN REVIEW PROCESS

All buildings within the Southwest Village B-2 PUD shall be subject to the Architectural Design Standards. Each building's elevation shall be first submitted to the Developer's Coordinating Architect for review and approval. Then a letter of approval from the Developer's Coordinating Architect (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit. The Planning Director may waive any requirement described herein or approve building that may not meet the specific requirements of the Architectural Design Standards, but are consistent with sound community urban design elements.

2. DEFINITIONS

Appearance. The outward aspect visible to the public.

Bufferyard. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Various built landscape features maybe included within the bufferyard that may include pedestrian walkways, retaining walls signage or utilities.

City. City of Lincoln

Cohesiveness. Unity of composition between design elements of a building or a group of buildings and the landscape development.

Flex Space / Industrial Building. A generic term for uses combining light manufacturing and warehousing with store front retailing. Usually having a large rear door access and a retail appearance to the front.

Landscape. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Mechanical equipment. Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Plant materials. Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Screening. Structure of planting that conceals from view from public ways the area

behind such structure or planting.

Shrub. A multi-stemmed woody plant other than a tree.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

3. GEOGRAPHIC AREA

4. SOUTHWEST VILLAGE VISION

It is anticipated that this development will be built out with the following project types:

- Retail, Office and Commercial Buildings
- Flex Space Buildings and Light Industrial Buildings
- Office Buildings
- Residential Buildings

These building types and land uses are described in the PUD Development Plan.

As a gateway development to the City of Lincoln, it is important for Southwest Village covenants pull the diverse project types listed above together into a development that has a sense of place and visual continuity created by common:

- Style
- Site Elements
- Building Materials
- Color Palettes

Each of the unifying elements listed above are discussed in more detail within their respective sections of this document.

5. THE STYLE OF SOUTHWEST VILLAGE

I. BUILDING MASSING

A. Walls

1. All facades of each building must be designed to be architecturally interesting through the use of massing and horizontal plane changes to create shadows and depth. Building elements such as covered arcades, stepping the facade or recessed entries are suggested to create this building massing requirements. Building facades not visible from public right of ways may provide less interesting design.

B. Roofs

1. If any building incorporates a sloping roof or awning structure, the slope of that roof or awning shall be 6/12 to provide consistency through the project.
2. All buildings that have "flat" roofs shall be parapetted to hide the ballasting from public view.

II. BUILDING MATERIALS

A. Retail, Commercial and Office Buildings over 100,000 S.F. Footprint.

1. Building facades visible from the public right of ways shall be composed of following percentages of building material cumulated over all visible facades.
 - A. 50% or more but not to exceed 80%, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges and Glass with natural aluminum mullions. Glass shall be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
 - B. 50% or less but not less than 20% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, or fiber cement board siding in the earth tones.
 - C. 10% of the façade may be a coordinating color material that is not listed in the previous material list.

B. Retail, Commercial and Office Buildings under 100,000 S.F., but more than 25,000 S.F.

1. Building facades visible from the public right of ways shall be composed of the following percentages of building material cumulated over all visible facades.
 - A. 75% or more, but not to exceed 90%, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges and Clear Glass with natural aluminum mullions.
 - B. 25% or less, but not less than 10% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, wood siding or fiber cement board siding in the earth tones.
 - C. 10% of the façade maybe a coordinating color or material that is not listed in the previous material list.

C. Retail, Commercial and Office Buildings under 25,000 S.F.

- A. 90% or more Clay Brick in earth tone color ranges and glass with natural aluminum mullions. Glass shall be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
- B. 10% of the façade may be a coordinating color material that is not Clay Brick and Glass. Glass shall be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.

- D. Flex Space Buildings or Industrial Buildings
1. Flex Space Building facades visible from the public right of ways shall be composed of the following building material cumulated over all visible facades.
 - A. 80% Decorative Block, "Quick Brick" or equivalent, or Brick and clear or tinted glass. Glass shall be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
 - B. 10% synthetic Stucco (EIFS), painted rock faced concrete block or laminated panels in natural aluminum color.
 - C. 10% of the façade maybe a coordinating color or material that is not listed as an accent to the design.
 2. Facades of Flex Space Buildings not visible from public right of ways may be painted rock faced CMU.
- E. Roof Materials for all Buildings other than residential
1. Any awning or sloping roof shall be constructed of standing seam metal, natural or faux tile.
- F. Residential Buildings
1. Residential Building shall be composed of
 - A. At least 20% Clay Brick
 - B. No more than 20% Rock face CMU paint
 - C. Remainder Glass and Fiber Cement Board Siding
 2. Building massing will be as follows:
 - A. Three story maximum height (45 feet)
 - B. The garage entrance would be setback from the main face of the building at minimum of six feet.
 - C. The streets would be 22 feet wide and the face of the garage would be setback 28 feet from the back of the curb of the private drive.
 3. Roofing material shall be asphalt shingles.

6. SITE ELEMENTS

I. SITE REQUIREMENTS

- A. Public Sidewalks.
 1. All public right of ways shall be provided with a concrete walk per City of Lincoln standards. All buildings within Southwest Village must have pedestrian walkways and public walks connected to the perimeter.
- B. Buffering, a required Bufferyard plan is required.

- C. Interior Green Space
 - 1. A five foot wide green space shall be provided along all interior lot lines unless lots are combined.
 - 2. Parking lots shall be planted per City of Lincoln requirements. A minimum of 6% of the total parking lot area shall be pervious and planted with trees, shrubs and perennials.
- D. Plant Materials
 - 1. Plant Materials shall meet City of Lincoln's size standards.
- E. Roof Top Mechanical Screens. All roof top mechanical units shall be substantially screened from view from public right-of-ways through the use of permanent architectural screens that are integrated with the overall design of the building.
 - 1. The screen shall be constructed from the following:
 - a. Building Materials listed for the building's project type.
 - b. Pitched roof elements comprised of standing seam metal roofing.
- F. Ground Level Mechanical Screens. All ground level mechanical units shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building.
 - 1. The screen shall be constructed from the following:
 - a. Building Materials listed for the building's project type.
- G. Refuse Screening. All trash or refuse receptacles shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building and located next to the building.
 - 1. The screen shall be constructed from the following:
 - a. Building Materials listed for the building's project type.
 - 2. If the refuse container is integrated with the dock area then the dock screening shall be sufficient.
- H. Dock Screening (No loading dock shall face a public R.O.W., without proper screening. All loading docks shall be screened from view from public right-of-ways through the use of one of the following:
 - 1. Architectural screens that are integrated with the overall design of the building.
 - a. The screen shall be constructed from the following:
 - Building Materials listed for the building's project.
 - 2. Landscape screen of a density to screen 80% of the dock area from view within 3 years of planting. View shall be 80% screened all 12 months of the year.

7. COLOR PALETTES

- 10 In order to encourage a proper balance of vitality and cohesiveness within the Southwest Village development, color ranges have been developed. The inspiration for these color ranges is native Nebraska landscape colors. Any material or paint must coordinate with these sample color ranges. Ten percent (10%) of any facade may have an accent color that is compatible with these color ranges.

8. SIGNAGE

All signage shall comply with the City of Lincoln Sign Regulations.

Signage requirements specific to the Southwest Village Development are as follows:

1. All wall signs shall be individual can letters. Color of letters is up to the Building Owner or Tenant.
2. No pole signs are allowed.

9. EXCEPTIONS

The following exceptions may be considered at the discretion of the City of Lincoln.

1. BUILDING MATERIAL EXCEPTION FOR RETAIL AND FLEX SPACE OFFICE BUILDINGS (not allowed for Office Buildings).
 - a. If the building is properly screened (landscape buffer, another building within a development, etc.) so that any given facade cannot be seen from a public right-of-way, then that specific facade may be constructed entirely of secondary Building materials as outlined for that specific building type.
2. BUILDING MATERIAL EXCEPTION FOR ALL BUILDING TYPES
 - a. If a particular building goes beyond the norm in complexity and detail of building forms and/or commonality of materials and colors, then the City may choose to relax the Building Material requirements (e.g. Let stucco or synthetic stucco (E.I.F.S.) become a primary building material).

Exhibit "B"

CONSERVATION EASEMENT AGREEMENT
(Preservation of Floodprone Area)

THIS CONSERVATION EASEMENT AGREEMENT is entered into as of the ____ day of _____, 200__, by and between **Dial – Southwest Village LP**, a Nebraska limited partnership ("Owner"), the **City of Lincoln, Nebraska** ("City"), and the **Lower Platte South Natural Resources District** ("NRD").

RECITALS

Owner is the owner in fee simple of certain land ("Real Property") legally described as:

Lancaster County, Nebraska, including the portions thereof referred to herein as the "Easement Area"; the Easement Area is more particularly described as follows:

Need Legal Description for conservation area (e.g., Outlot A, B, C, D and E), including LeGrande area (Lot 25) east of 1st Street.

Said Easement Area is generally located within the 100-year floodprone area as designated in the Draft Cardwell Branch Watershed Assessment dated November, 2005. The Easement Area is shown on the attached Exhibit "A", which is made a part of this agreement by this reference.

The City and NRD desire to acquire and Owner is willing to convey a permanent Conservation Easement to preserve the flood storage capacity and other natural resources over the Easement Area.

NOW, THEREFORE, in consideration of the approval of the Southwest Village B-2 PUD, which allowed areas of encroachment and development in the floodprone area generally designated as Agricultural Stream Corridor in the Lincoln-Lancaster County Comprehensive Plan, Owner hereby grants and conveys to City and NRD for their benefit and the benefit of the public a conservation easement over the Easement Area to restrict the use of the Easement Area to open space to protect and preserve the floodprone area, drainageway, wetlands, and tree masses that occur on the land, to protect other water resources and biologic resources of the floodprone area as identified on Exhibit "A", and to restrict development and future use of the Easement Area that will significantly impair or interfere with the open space values and natural resources of the Easement Area.

The terms, conditions, and covenants of the conservation easement hereby created are as follows:

1. Use of Easement Area.

A. **Compatible Uses.** The Easement Area shall be used only for purposes compatible with open space, recreational, or wetlands management practices. Nothing herein shall be construed to give the general public the right of access or use of the Easement Area. Notwithstanding the "Non-Compatible Uses" listed in subsection B below, the following uses are compatible with the purposes of the Easement Area:

- i. Force main sanitary sewer line and related improvements to provide temporary sanitary sewer to the Southwest Village B-2 PUD and surrounding drainage basin (until gravity sanitary sewer trunk is built) as generally shown on Exhibit "A". The exact route will be approved in advance by the Director of Public Works & Utilities. The Easement Area will be restored following disturbance to the maximum extent practicable.
- ii. Gravity flow sanitary sewer line and related improvements to provide permanent sanitary sewer (which will replace the force main sanitary sewer line) as generally shown on Exhibit "A". The exact route will be approved in advance by the Director of Public Works & Utilities. The Easement Area will be restored following disturbance to the maximum extent practicable.
- iii. Roadway or utility crossings necessary for the functional uses of adjacent lands constructed in accordance with the flood regulations, provided the Easement Area is restored following disturbance to the maximum extent practicable. It is recognized that the easement creates separate areas within Lot ___ which are outside the Easement Area and which are isolated from each other by the Easement Area and that roadway and utility crossings of the Easement Area are necessary for access to all of Lot ___.
- iv. Public sanitary sewer lines generally along the stream alignment necessary for the functional uses of adjacent lands, as approved in advance by the Director of Public Works & Utilities, provided the Easement Area is restored following disturbance to the maximum extent practicable.
- v. Road and utility corridors necessary for the functional uses of adjacent lands, as approved in advance by the Director of Public Works & Utilities, provided the Easement Area is restored following disturbance to the maximum extent practicable.
- vi. Trails or other public or private recreational or educational components and activities as approved in advance in the Lincoln-Lancaster Comprehensive Plan or by the Director of

Public Works & Utilities.

- vii. Stream rehabilitation and water quality projects as approved in advance by the Director of Public Works & Utilities.
- viii. Protection, maintenance and enhancement of the Easement Area.
- ix. Easement Area rehabilitation necessary to protect abutting, downstream or upstream properties as approved in advance by the Director of Public Works & Utilities.
- x. Exercising by people and their pets.
- xi. Removal of dead, diseased or dangerous trees or bushes.
- xii. Temporary access and construction easements to allow installation, maintenance, repair and replacement of utilities and fences abutting the Easement Area conforming to the City's Design Standards
- xiii. Stormwater drainage and outlet improvements conforming to the City's Design Standards necessary for the functional drainage of uses of adjacent lands.
- xiv. Control or removal of insects, pests and other matters that are a danger to public health as determined in advance by the Director of the City-County Health Department.
- xv. Until such time as the Easement Area is graded and seeded in conformance with the Southwest Village B-2 PUD, cultivation, planting, or drilling of row crops, small grains, and forages within areas historically in agricultural use within ten (10) years of the dedication of this easement.

B. Non-Compatible Uses. Subject to the "Compatible Uses" in subsection A above, the following uses and practices, although not an exhaustive recital of the inconsistent uses and practices, are inconsistent with the purposes of this Conservation Easement and shall be prohibited within the Easement Area:

- i. Construction or placing of roadways, buildings, camping accommodations, or mobile homes, fences, signs, billboards or other advertising material, or any other structure.
- ii. Filling, excavating, dredging, mining or drilling, removal of top soil, sand, gravel, rock, minerals, or other materials.
- iii. Building of roads or changing in the topography of the land in any manner excepting the maintenance of the items described in subsection A above, or any work requested by the City.
- iv. Dumping of ashes, trash, garbage, or other unsightly or offensive

material.

- v. Changing the topography of the land by placing of soil or other substances or materials such as landfill or dredging spoils.
- vi. Commercial development of any nature.
- vii. Intentional human introduction of non-native plant or animal species which may compete with and result in the decline or elimination of native animal species, unless approved in advance by the Director of Parks and Recreation.
- viii. Any other act which would be detrimental to the wildlife habitat, wetlands or natural resources of the Easement Area.
- ix. Operation of motorized vehicles, except as necessary in the use of the area as provided herein.
- x. The broadcast application of pesticides, herbicides and insecticides at any time, except for that which is needed for areas historically in agricultural use within ten (10) years of the dedication of this easement. Spot application of pesticides and herbicides for the control of noxious weeds as provided by state law will be permitted.
- xi. Outside of areas historically in agricultural use within ten (10) years from the dedication of this easement, cultivation, planting, or drilling of row crops, small grains, and forages or production of farm animals;
- xii. Removal of tree masses;
- xiii. Any other use which is not in conformance with the Southwest Village B-2 PUD, including the Conservation Easement Planting Plan, the Proposed Conditions Drainage Plan, and the Hydrologic and Hydraulic Study, as the same may be amended from time to time; provided that any such amendment provides the same acres of easement, flood storage protection, and riparian and wetland enhancements (collectively "Southwest Village B-2 PUD"), except those uses as provided for in subsection A above.

2. Term. The term of this Conservation Easement will be in perpetuity unless earlier terminated pursuant to any of the following provisions:

- i. By the City and NRD pursuant to the provisions of Neb. Rev. Stat. § 76-2,113.
- ii. By the Lancaster County District Court pursuant to the provisions of Neb. Rev. Stat. § 76-2,114.

The parties agree that termination of this Agreement may be total and affect the entire Easement Area, or may be partial and result in the

termination of the easement over only a portion of the Easement Area.

3. Condition of the Easement Area at Time of Grant. The condition of the Easement Area without limiting the generality of the terms is defined to mean the open space, drainageway, wetlands, tree masses, and the functional integrity of other water resources and biologic resources of the floodprone area identified on Exhibit A, as evidenced by reports, photographs and scientific documentation on file with the City's Planning Department. Notwithstanding the foregoing, within four (4) years from the date of this Easement, Grantor shall complete the grading and plantings within the Easement Area in accordance with the Southwest Village B-2 PUD. Grantor shall be permitted to complete the grading and plantings in phases; provided that, any phased grading shall temporarily provide a ratio of three acre feet of mitigated flood storage volume for every one acre foot of flood storage volume impacted.

4. Protection and Maintenance of the Easement Area.

A. Owner agrees to pay any real estate taxes, estate taxes or assessments levied by competent authorities on the Easement Area, including but not limited to any tax or assessment affecting the easement granted herein. Owner retains the right to challenge the assessed value of the property and to challenge the validity of any such tax or assessment.

B. The NRD shall accept ownership of and protect, maintain and enhance that portion of the Easement Area located in Outlot A, Block 3, Outlot A, Block 5 and that portion of Outlot B, Block 4 south of the driveway access, provided that all grading and plantings have been completed within the Easement Area in accordance with the Southwest Village B-2 PUD and Owner has established an escrow to cover the maintenance cost for ten (10) years. Owner, at its expense, shall protect, maintain and enhance all stormwater storage facilities, private roadways, and any other private improvements approved with the Southwest Village B-2 PUD. Owner shall be solely responsible for protecting, maintaining and enhancing all other portions of the Easement Area. Private recreational or educational components and activities may be allowed in the Easement Area if approved in advance by the Director of Parks and Recreation and maintained by the Owner at its expense.

C. Owner shall cooperate with and assist the City and NRD at the City or NRD's cost in applying for, obtaining, protecting, maintaining and enhancing the Easement Area, including any and all surface water and ground water rights and privileges related to the Easement Area by signing applications which the City deems necessary or desirable for the management, maintenance or development of the Easement Area for the purposes provided for herein.

5. Inspections and Access by City and NRD. The City and NRD shall have the right of reasonable ingress and egress to and from the Easement Area from public roads and streets and from adjacent properties for its employees, contractors, vehicles and equipment for the purpose of revegetating and for

inspecting, maintaining, protecting or enhancing the floodprone area within the Easement Area as the City or NRD may deem necessary or desirable. Any such access from adjacent areas of Lot ___ shall be used so as to not damage adjacent areas of Lot ___ or crops or improvements which are now or which in the future may be on adjacent areas of Lot ___, and shall use public right-of-way or private streets to the fullest extent practicable. Such right of access will be modified as reasonably necessary upon subdivision or development of adjacent areas of Lot ___.

6. Enforcement. The Owner, City and NRD may enforce the provisions of this Conservation Easement by any proceeding at law or in equity, including but not limited to, the right to require restoration of the Easement Area to the condition at the time of this grant, except for the Compatible Uses described in subsection 1 A above. The Owner, City or NRD may seek an injunction restraining any person from violating the terms of this Conservation Easement and that the City or NRD may be granted such injunction without posting of any bond whatsoever. The Owner, City and NRD do not waive or forfeit the right to take any action as they deem necessary to insure compliance with the covenants and purposes of this grant by any prior failure to act. Owner further agrees that should Owner undertake any activity requiring the approval of the City and NRD, without or in advance of securing such approval, or undertake any activity in violation of the terms of this Conservation Easement that City and NRD shall have the right to enforce the restoration of that portion of the Easement Area affected by such activity to the condition that existed prior to the undertaking of such unauthorized activity. In such case, the cost of such restoration shall be paid by Owner. In any suit to enforce this Easement or for the alleged violation of this Easement, reasonable attorney fees of the successful party shall be paid by the unsuccessful party to the extent permitted by law.

7. Title to Easement Area. Owner covenants that Owner is the owner of marketable title to all of the Easement Area, has legal right, title and capacity to grant the Conservation Easement granted herein subject to easements and restrictions of record and farm tenant in possession, if any.

8. Transfer of Interest.

A. Owner's Title to Easement Area. If the land subject to this Conservation Easement Agreement or any interest therein is subsequently transferred by Owner to a third party, Owner shall use its best efforts to notify the City and NRD in writing prior to the transfer of the land.

B. City and NRD's Conservation Easement. The City and NRD, at their expense, will record this Conservation Easement. The City and NRD shall have the right to transfer this Conservation Easement to any public agency, charitable organization or trust that, at the time of transfer, is an organization qualified to assume the responsibility imposed on the City and NRD by this Conservation Easement Agreement.

9. Binding Affect. The Conservation Easement granted herein shall run with the land and shall inure to the benefit of and be binding upon the heirs, successors and assigns of Owner, City and NRD.

10. Approvals. Any approval required under this Agreement shall not be unreasonably withheld.

11. Recordation. The parties agree that this Agreement shall be duly filed by the City and NRD with the Lancaster County Register of Deeds upon execution and acceptance by the City and NRD.

12. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Conservation Easement and the application of such provisions to persons or circumstances other than those to which it is found to be invalid shall not be affected thereby.

13. Assignment. The Owner may assign in writing and record of record all or parts of its right, title and interest hereunder to a homeowners association properly created under Nebraska law and approved in advanced by the City Attorney. Upon such written assignment and recording, then the Owner will automatically be released from any assigned right, title or interest.

14. Further Assurances. The parties acknowledge that the Owner will be platting, subdividing and developing the Owner's adjacent properties, subject to the City of Lincoln's approval. Each undersigned party will, whenever it shall be reasonably requested to do so by the other, promptly execute, acknowledge, and deliver, or cause to be executed, acknowledged, or delivered, any and all such further conveyances, confirmations, instruments, or further assurances and consents as may be necessary or proper, in order to effectuate the covenants and agreements herein provided. Each of the undersigned parties shall cooperate in good faith with the other and shall do any and all other acts and execute, acknowledge and deliver any and all documents so requested in order to satisfy the conditions set forth herein and carry out the intent and purposes of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date set forth above,

"Owner"

DIAL – SOUTHWEST VILLAGE
LP, a Nebraska limited
partnership

By:

Title:

"City"

Attest: **CITY OF LINCOLN, NEBRASKA**, a municipal corporation

By: _____

City Clerk

By:

Coleen J. Seng, Mayor

"NRD"

**LOWER PLATTE SOUTH
NATURAL RESOURCES
DISTRICT**

By:

Glenn D. Johnson, General
Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this __ day of _____, 200__, by _____, as _____ of Dial – Southwest Village LP, a Nebraska limited partnership, on behalf of the limited partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 200_, by Coleen J. Seng, Mayor of the City of Lincoln, Nebraska, a municipal corporation, on behalf of the City.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 200_, by Glenn D. Johnson, General Manager, on behalf of the Lower Platte South Natural Resources District.

Notary Public

Exhibit "C"

[illegible]

Subject	Both sexes	Male	Female
Less than 5th grade	0.8	0.9	0.7
5th to 8th grade	2.1	2.1	2.1
9th to 12th grade, no diploma	6.6	7.3	6.0
High school graduate (incl. equivalency)	25.2	24.9	25.6
Some college credit, less than 1 year	7.3	6.5	8.0
1 or more years of college, no degree	16.8	16.0	17.5
Associate degree	8.7	8.8	8.6
Bachelor's degree	21.7	21.3	22.0
Master's degree	6.6	6.4	6.7
Professional degree	2.3	3.0	1.7
Doctorate degree	2.0	2.9	1.2
Percent high school graduate or higher	90.5	89.8	91.2
Percent bachelor's degree or higher	32.6	33.6	31.5
PERCENT OF AGE GROUP			
High school graduate or higher			
25 to 34 years	91.9	90.4	93.6
35 to 44 years	92.8	91.2	94.5
45 to 64 years	92.6	92.2	92.9
65 years and over	81.0	80.3	81.5
Bachelor's degree or higher			
25 to 34 years	36.3	32.7	40.3
35 to 44 years	33.9	32.6	35.3
45 to 64 years	34.7	38.0	31.4
65 years and over	21.1	26.9	17.2

(X) Not applicable.

Source: U.S. Census Bureau, Census 2000 Summary File 3, Matrices P37 and PCT25.

**Review Comments for
Application #: CZ05061
SOUTHWEST VILLAGE - PUD**

Comments as of: Tuesday, November 15, 2005

Status of Review: **Denied**

08/22/2005 9:04:02 AM

Reviewed By **911**

ANY

Comments: 1) Streets west of S 1st and south of O St are required to be prefixed with West of Southwest accordingly. 2) W Cardwell Rd already exists and does not align with the proposed Cardwell Dr. 3) The overuse of Cardwell with only a street type to distinguish the difference, will be extremely confusing to emergency responders. Please note there was no site plan in the attachments, paper received 08/22/08.

Status of Review: **Active**

Reviewed By **Alltel**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Building & Safety**

ANY

Comments:

Status of Review: **Approved**

08/22/2005 12:27:32 PM

Reviewed By **Building & Safety**

BOB FIEDLER

Comments: **approved**

Status of Review: **Approved**

08/26/2005 9:55:43 AM

Reviewed By **Fire Department**

ANY

Comments: After reviewing Change of Zone (PUD) # CZ05061 (PUD) CZ05062, we have no objections from the perspective of our department.

Comments: **LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will DATE: August 29, 2005

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Southwest Village

EH Administration CZ #05061 & #05062

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

According to the submitted site plan (South of Warlock), the proposed R-5 zoning is located as close as approximately 200 feet from the proposed I-3 zoning. Depending on the type of use, more specifically the types and quantities of chemicals associated with the future uses within the I-3 PUD, the LLCHD has historically recommended at least a 300 foot separation between industrial and residential zoning for the more toxic chemicals that pose a potential threat to public health. Because the types of uses and their associated types and quantities of chemicals are unknown at this time, the LLCHD recommends the applicant provide at least a 300 foot buffer between the proposed R-5 zoning and the I-3 PUD.

The LLCHD advises that noise pollution can be an issue when locating commercial or industrial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial or industrial uses in which the commercial or industrial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.

All wind and water erosion must be controlled during construction. The Lower . -

Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: **Approved**

11/14/2005 11:36:17 AM

Reviewed By **Health Department**

ANY

Comments: **Brian,**

The fax you sent me looks okay. However, we would like the following definition inserted for hazardous materials..

"Hazardous Materials are defined by any and all of these definitions Hazardous Materials as defined by Secretary of Transportation in (49 U.S.C. 5103) and materials listed in the Hazardous Materials Table 49 CFR 172.101). Hazardous Substances as defined or designated in 40 CFR 302 and table 302.4. Extremely Hazardous Substances as identified in Title III of Superfund Amendments and Reauthorization Act (SARA) of 1986 (40 CFR Part 355). Toxic Chemicals as listed and identified in Title III of SARA. Hazardous Wastes that are regulated under the Resource, Conservation and Recovery Act (40 CFR Part 261.33). Hazardous wastes in transportation are regulated by DOT (49 CFR Parts 170 - 179). Hazardous Chemicals as the United States Occupational Safety and Health Administration (OSHA) uses the term hazardous chemical to denote any chemical that would be a risk to employees if exposed in the work place. Hazardous Substances as defined by OSHA in 29 CFR Part 1910.120".

Thanks,

Status of Review: **Active**

Reviewed By **Law Department**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Lincoln Electric System**

JIM HENNESSY

Comments:

Status of Review: **Active**

Reviewed By **Lincoln Police Department**

DON SCHEINOST

Comments:

Status of Review: **Active**

Reviewed By **Natural Resources District**

Any

Comments:

093

Status of Review: **Active**

Reviewed By **Nebraska Department of Roads**

ANY

Comments:

Status of Review: **Denied**

08/23/2005 11:55:26 AM

Reviewed By **Parks & Recreation**

ANY

- Comments:
1. All outlot areas to be maintained by the developer and/or future homeowners association.
 2. A 20' trail easement needs to be identified along the north side of the Cardwell Branch.
 3. Provide a cross section of the trail and street on the east side of Folsom.
 4. The Comprehensive Plan requires a grade separated crossing under Warlick Boulevard.
 5. Provide a grade separated crossing at the Cardwell Branch where it passes under Folsom.
 6. A discussion should occur with the Director of the Parks Department regarding the trail crossing through Cardwell Lane, Warlick Blvd., Private Drive and Cardwell Drive.
 7. An explanation of the trunk sewer connection needs to be provided with respect to Wilderness Park located on the east side of Highway 77.
-

Status of Review: **Routed**

Reviewed By **Planning Department**

SARA HARTZELL

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

BRIAN WILL

Comments:

Status of Review: **Active**

Reviewed By **Public Utilities - Wastewater**

ANY

Comments:

Status of Review: **Complete**

11/04/2005 12:34:44 PM

Reviewed By **Public Works - Development Services**

SIETDQ

Comments: **Comments about the Southwest Village plan**

In general the layout and temporary pump station concept are okay,

The Route B shown for the pump station force main is undesirable not only from WW perspective, but also parks. Route A, while maybe a bit longer has a much more accessible and ease of construction attached to it.

The proposed location for the future trunk line is not shown accurately. It will likely be further North than shown. The route will probably hug the southern property line of Block 5, lots 1-5 and run in a generally east/west direction. There may need to be a sanitary sewer easement gap in outlot B block 5 in order to continue the east/west trunk sewer alignment. The easement needed would be 40' permanent and another 60' for construction. We would expect all sanitary sewer easements to be granted at no cost.

The lift station and force main will need to comply with the lift station policy.

Capacity at the Salt Valley Trunk is not an issue.

I will comment further when more detail becomes available.

Comments: M e m o r a n d u m

□
□

To: □ Brian Will, Planning Department
From: □ Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities
Subject: □ Southwest Village PUD Change of Zone #05061 & #05062
Date: □ November 8, 2005
cc: □ Randy Hoskins

□

Engineering Services has reviewed the submitted plans for the Southwest Village PUD, located east of Highway 77 near West Denton Road. Specific detailed plans meeting preliminary plat submittal requirements will need to be submitted and administratively approved prior to the approval of any final plats in this PUD. These plans must be in accordance with all design standards unless waived by this generic PUD. Development Services has the following general comments about this generic PUD:

Sanitary Sewer - The following comments need to be addressed.

□(1.1) □ In general, the layout and temporary pump station concept are okay.

(1.2) □ The Route B shown for the pump station force main in Route A, while maybe a bit longer, has better accessibility and ease of construction.

(1.3) □ The proposed location for the future trunk line is not shown accurately. It will likely be further north than shown. The route will probably hug the southern property line of Block 5, lots 1-5 and run in a generally east/west direction. There may need to be a sanitary sewer easement in Outlot B Block 5 in order to continue the east/west trunk sewer alignment. The easement needed would be 40' permanent and another 60' for construction. We would expect all sanitary sewer easements to be granted at no cost.

(1.4) □ The lift station and force main will need to comply with the lift station policy.

□(1.5) □ Capacity at the Salt Valley Trunk is not an issue.

Water Main - The water system is satisfactory.

Grading/Drainage - The following comments need to be addressed.

□(3.1) □ Comments from Watershed Management need to be addressed.

Streets/Paving - The following comments need to be addressed.

□(4.1) □ A right turn lanes need to be shown in Folsom Street at the intersections with Cardwell Drive, Gailyn Road, and Cardwell Ridge Drive.

□(4.2) □ The drive way connection on the north side of Warlick Boulevard east of Folsom does not appear to be needed. The traffic study does not show significant trips to or from this location. The plans should be revised to remove this drive reducing maintenance costs and eliminating conflicts on a high volume and high speed roadway.

□(4.3) □ The left turn lanes in Cardwell Drive at the intersection of Southwest 4th Street do not meet standards for length. Street connections to Cardwell Drive need to

be revised to provide adequate left and right turn lane lengths.

□(4.4) □The conceptual roundabout design shown on the site plan is sufficient for this PUD. However, geometric construction and striping details will be reviewed during the Executive Order process. It does appear that additional right-of-way will be required for proper roundabout geometric design. A note should be added stating that additional right-of-way dedication at the roundabout intersection may be required at the time of final geometric design. If the desire is to show all required right-of-way with this submittal, more detailed geometric plans need to be provided for the roundabout.

□(4.5) □The review of the traffic study represents a partial review as some portions of the study were not received by Public Works until Monday November 7th. The portions in question were the analysis of the 14th and Highway 2 intersection and the 14th/Warlick/Old Cheney intersection. Although there is no site specific comments related to this additional information, it should be noted that the study indicates approximately a 20% increase in traffic at 14th and Highway 2 from the 2015 base traffic to the 2015 base plus site traffic and approximately 50% increase for the Warlick and Old Cheney intersection. Similar results were shown for the existing peak hour traffic compared to the existing plus Phase I peak hour traffic.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning**

ANY

Comments:

Comments: Date:

To:

From:

Subject:

cc: 10/13/05

Brian Will, Planning Department

John Callen, Watershed Management

Southwest Village PUD review comments

Steve Henrichsen, Ben Higgins, Devin Biesecker, Chad Blahak, Lana Tolbert

Brian,

Below are Watershed Management's comments regarding the Southwest Village PUD proposal:

1. Overall the plans are unclear and there are discrepancies between the plans and the report. The plans and report need to be coordinated and resubmitted. There needs to be clear information given on the conservation easement area indicating a 2:1 ratio of floodplain land conserved vs. floodplain land developed, minimum flood corridor, floodplain and other drainage issues.
2. Floodplain area shown in the drainage report does not appear to be consistent with the PUD boundaries shown in the plans - additional floodplain is shown in the report that is outside the PUD. Also, some floodplain area accounted for in the report appears to be on property not owned by the applicants.
3. The size and shape of the floodplain does not appear to be consistent with the existing FEMA floodplain maps or the Cardwell Branch DFIRM mapping project floodprone area (these two items are the same through the proposed PUD). Also, floodway information from either source is not shown on the plans or in the report.
4. Acres of floodplain proposed to be impacted vs. acres of floodplain proposed to be conserved are not consistent between drainage report sections and figures. Also, drainage data given on the plan drawings appears to be inconsistent between existing and proposed conditions drainage plans and conservation easement planting plan.
5. Based on developable area vs. floodplain area shown on sheet 9 of 20, a ratio of 2:1 for number of acres of floodplain permanently conserved vs. number of acres developed does not appear to be achieved.
6. Lincoln Municipal Code 26.25.020 (c)(3) requires compensatory storage to be provided below the 10-year water surface elevation for storage lost below this elevation. Also, this section requires compensatory storage above the 10-year water surface elevation for storage lost above this elevation. This standard does not appear to have been met.
7. Currently proposed compensatory storage areas appear to be excavated areas where water will pond if the 100-year storm event were to occur. These areas have no mechanism to drain, as is typically required for areas of compensatory storage per the Flood Design Criteria for New Growth Areas given in Drainage Criteria Manual (DCM) Chapter 10. The drainage report does indicate that 'portions of the open

space will become water quality features with a permanent pool of water' and that these areas are shown in a 'Figure 9'. Figure 9 does not appear to have been supplied, and it is unclear whether or not these areas are intended to be permanent retention pools or wetlands. This may be acceptable given the uses of the proposed conservation easement, however, these areas should be excluded from the calculations for available compensatory storage during flooding conditions if they are intended to store water permanently.

8. It is unclear from the plans how floodwaters will reach all proposed flood storage areas. Specifically, the proposed storage areas northwest of proposed Cardwell Lane appear to be cut off from other proposed storage areas to the south.

9. The minimum flood corridor is not shown on the plans. There appears to be grading in or near the minimum flood corridor. A narrative is provided in the drainage report that indicates encroachments into the corridor occur but these areas are not identified. No specific impacts are indicated and detailed mitigation information (if necessary) is not supplied.

10. Symbols used with proposed planting details on sheet 13 of 20 do not appear to be consistent with labels shown on planting areas.

11. Drainage areas used for stormwater detention facility calculations in drainage report appear to be inconsistent with grading and drainage plans. The plans show more drainage areas reaching detention cell #1 than are accounted for in the report.

12. Outlet of closed storm drainages to undefined drainages is not acceptable unless it can be shown that the energy can be dissipated.

Recommendations and Notes:

- Flow path length for sheet flow in hydrology calculations is shown as 300 feet for all sub-basins. This is the maximum recommended flow path length for sheet flow. Appendix 2-C of the DCM includes guidance regarding sheet flow calculations and an equation for determining sheet flow path length.

- The hydrologic and hydraulic models as well as floodplain mapping for Salt Creek are currently being re-studied. Portions of this proposed development are in the Salt Creek floodplain and flood storage calculations submitted are based on the existing Salt Creek floodplain study information. Updated information from the new study should be available by December, 2005.

Comments: **Date:**

To:

From:

Subject:

cc: 11/09/05

Brian Will, Planning Department

John Callen, Watershed Management

Southwest Village PUD review comments - Revised

Steve Henrichsen, Nicole Fleck-Tooze, Ben Higgins, Devin Biesecker, Chad Blahak, Lana Tolbert

Brian,

Below are Watershed Management's revised comments regarding the Southwest Village PUD proposal based upon the 10/25/05 resubmittal:

- 1. Watershed Management is working with Law and the Lower Platte South NRD to review the language of the proposed conservation easement agreement. We are not currently in agreement with all of the provisions in the draft agreement, particularly the condition relating to maintenance by the City and NRD. This agreement needs to be revised to address these issues, finalized and signed by developer prior to action by City Council on the PUD (a resolution for the easement agreement should appear on the same agenda).**
- 2. A phasing plan for the enhancement of the floodplain and wetlands in relation to the development of the site should be addressed as part of the annexation agreement and supplied to Watershed Management.**
- 3. There are some details that appear to be missing relating to specifics of the conservation easement planting plan, such as acres of each planting type, final locations of specific enhancements, etc. These must be supplied on revised final plans.**
- 4. Proposed lowest floor elevations must be provided for all lots to be placed within floodplain areas. After grading is completed and prior to receiving building permits, a Letter of Map Revision based on Fill (LOMR-f) must be completed for this development in order to amend the FEMA floodplain maps to accurately reflect the grading as per Lincoln Municipal Code 26.25.020 (e).**
- 5. Several box culverts are shown near the eastern part of the site on Sheet 10 of 21 - Grading and Drainage Plan North of Warlick. Please clarify on the plans whether these are new or existing and whether they are part of this project.**
- 6. Explain more clearly where outlet drainage from Detention Cell 3 and subarea K9 flows to.**
- 7. Explain how possible standing water and drainage problems will be addressed for Detention Cell #4. Under the current plan, it appears additional design items to facilitate infiltration may be required.**

8. A proposed 48" pipe is shown under proposed Cardwell Drive/Existing S. 1st St. at the southeast corner of the development. Clarify how drainage to this area will behave as shown on sheet 11 of 21. It appears that elevations are higher on the west, but drainage is shown as flowing towards this area.
9. The Site Plan and Conservation Easement Planting Plan identify a future Folsom St. alignment area that may conflict with the compensatory storage area. Explain how this will be accommodated.
10. Explain why flooding depths shown on sheet 9 of 21 are inconsistent with grading contours for compensatory storage area.
11. Explain which backwater elevations from Salt Creek were used and how they were mapped for the purposes of calculating available flood storage on the site under existing conditions.
12. Drainage from proposed conditions sub-basin 1A appears to enter the development from off-site. Explain how this drainage is being managed and where it is being routed to under proposed conditions.
13. Detention pond forms for proposed conditions indicate to 'See Drainage Report for Output' of Peak Discharge Results. This information does not appear to be in the paper drainage report. Please add this information to the report or clarify the location of the information.

Recommendations and Notes:

- The hydrologic and hydraulic models as well as floodplain mapping for Salt Creek are currently being re-studied. Significant portions of this proposed development are in the Salt Creek floodplain and flood storage calculations submitted are based on the existing Salt Creek floodplain study information. Updated information from the new study should be available by mid-December, 2005. This information will eventually update the FEMA floodplain maps for Salt Creek.

Status of Review: **Active**

Reviewed By **Rural Fire District**

ANY

Comments:

Status of Review: **Active**

Reviewed By **School District**

ANY

Comments:

Status of Review: **Active**

Reviewed By **US Post Office**

ANY

Comments:

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for P.A.S. **Change of Zone # 05061 Southwest Village PUD** to read as follows:

CONDITIONS OF APPROVAL:

CZ#05061 Southwest Village PUD

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.4 ~~Remove the driveway on the north side of West Denton Road between Cardwell Drive and South Folsom Street.~~

- 1.1.8 Delete the definition of hazardous materials in Section 27.51.090 of the development plan and the references to it, and revise the site plan by delineating the area within the I-3 area that is within 300' of the residential buildings located within the R-5 area and by adding a note that states: that no building containing an industrial or warehouse use shall be located within that area. NO INDUSTRIAL OR WAREHOUSE SHALL STORE OR USE ANY "REGULATED SUBSTANCES" REGULATED UNDER TITLE III SECTION 112(R) OF THE CLEAN AIR ACT WITHIN 300' OF THE RESIDENTIAL BUILDINGS LOCATED WITHIN THE R-5 AREA.

- 1.1.10 Add a note that states: ALL OUTLOTS TO BE MAINTAINED BY THE DEVELOPER OR OWNERS ASSOCIATION OR AS DESCRIBED IN THE CONSERVATION EASEMENT AGREEMENT BETWEEN DIAL REALTY DEVELOPMENT CORP., CITY OF LINCOLN, NEBRASKA and The LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT."

- 1.1.11 ~~Show an 20'-wide easement for the bike trail in a location and configuration to the satisfaction of the Parks Department including at-grade-separated crossings at West Denton Road and South Folsom Street to the satisfaction of the Parks Department and Public Works Department.~~
- 1.1.12 Provide a cross-section of the trail and street on the east west side of South Folsom Street. Dedicate an additional five (5) feet wide right-of-way or easement for a trail on the west side of South Folsom Street abutting Lot 7 I.T. and Lot 8 I.T., in Section 15-9-6 of the 6th P.M., Lancaster County, Nebraska.
- 1.1.13 ~~Show additional sidewalk connections to the satisfaction of the Planning Department. Show additional sidewalk connections consistent with the Incentive Criteria of the Comprehensive Plan to be approved by administrative amendment prior to approval of final plat.~~

- 1.1.15 Revise the typical lot detail for the townhouses on Sheet 3 of 21 to show a minimum dimension of 22' from the back of sidewalk to the garage.

- 1.1.20 Revise General Note #23 to read as follows: DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. POLE AND OFF-PREMISE SIGNS (E.G., BILLBOARDS) ARE PROHIBITED. Add a new definition to Part 1 a: Property PUD—General Regulations (a) (2): ON-PREMISE SIGN SHALL MEAN ANY SIGN WHICH SERVES TO ADVERTISE AND/OR IDENTIFY A PRODUCT, SERVICE, OR ACTIVITY CONDUCTED ON THE PREMISE ON WHICH THE SIGN IS LOCATED, OR IDENTIFIES SAID PREMISES OR USE THEREOF, OR A GROUND SIGN WHICH SERVES TO ADVERTISE AND/OR IDENTIFY A PRODUCT, SERVICE, OR ACTIVITY CONDUCTED OFF THE PREMISE ON WHICH THE GROUND SIGN IS LOCATED, OR IDENTIFIES SAID OFF PREMISES OR USE THEREOF AND IS WITHIN 600' OF THE PREMISE.

- 1.1.24 Add General Note #36 to read as follows: AT LEAST 120' OF R.O.W. SHALL BE DEDICATED AT THE TIME OF FINAL PLAT

ON 1ST STREET, SOUTH OF WEST DENTON ROAD UNLESS LESS IS SHOWN IN THE COMPREHENSIVE PLAN. THE WIDTH OF THE 1ST STREET R.O.W., SOUTH OF WEST DENTON ROAD WILL BE DETERMINED PURSUANT TO THE TERMS OF THE ANNEXATION AGREEMENT AND WILL BE DEDICATED AT THE TIME OF FINAL PLAT.

- 1.1.25 Add General Note #37 to read as follows: ADDITIONAL R.O.W. FOR THE CARDWELL DRIVE ROUDABOUT WILL BE PROVIDED IF REQUIRED BY FINAL GEOMETRIC DESIGN.
- 1.1.26 Add easements per 8/30/05 L.E.S review. Said easements will be for underground electrical, telephone, and cable services and above ground appurtenances (e.g., pedestals).

- 1.1.28 Revise General Note #13 to include the following statement: ANY AREAS ADJACENT TO SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE WHERE REDUCED SETBACKS ARE SHOWN SHALL ALSO BE SCREENED BY A FACTOR OF 1.5 TIMES THE CITY OF LINCOLN DESIGN STANDARDS." REQUIRED PARKING LOT LANDSCAPE SCREENING FOR PARKING LOTS ABUTTING SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE TO BE INCREASED FROM 60% TO 90%.
- 1.1.29 Remove the roundabout shown on Cardwell Lane. Label Cardwell Lane as a private drive. (Note: Cardwell Lane is shown as a public street.)
- 1.1.30 Revise Section 27.51.110—Architectural Design Standards, of the development plan to also apply to the B-2 area. (Note: 27.31.110 already includes Architectural Design Standards in the B-2 areas.)
- 1.3 Version #1: Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read: "THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE, HOTEL, MOTEL, AND INDUSTRIAL USES OVER 500,000 SQUARE FEET." (Note: the Analysis #1, page 6 states that hotel and motels are included in the 500,000 square feet figure.)

Version #2: Revise references in Part 1c (page 6) of the

development plan to refer to paragraph c, not paragraph b.
Revise Part 1a(c)(2) on page 6 of the development plan to read:
**THE PUD MUST HAVE AT LEAST AN AGGREGATE OF
OFFICE AND INDUSTRIAL USES OVER 6400,000 SQUARE
FEET.** (Note: I-3 permits up to 20% of the I-3 floor area to be
retail and 10% of the I-3 floor area to be hotels and motels.)

- 1.5 Revise the grading and drainage plan and conservation easement planting plan to the satisfaction of Public Works and Utilities Engineering Services and Watershed Management.
- 1.6 Provide written letter or memo approval from the Nebraska Department of Roads does not oppose of the interchange layout/detour plan.

3. Prior to obtaining final plat approval of any portion of the area south of West Denton Road, the owners will enter into a conservation easement agreement with the City.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: Seacrest & Kalkowski, P.C. on behalf of Dial Realty Development Corp., Western

Hemisphere Holding Company, LLC, Southview, Inc., Developments Unlimited, LLP, and Union Title Ten LLC.

RECEIVED POST-PLANNING COMMISSION

ANNEXATION NO. 05014
CHANGE OF ZONE NO. 05061
CHANGE OF ZONE NO. 05062
(Southwest Village)



"Jody Rapp"
<mrapp1@neb.rr.com>
12/05/2005 10:49 AM

To <plan@lincoln.ne.gov>

cc

bcc

Subject Hwy 77 & West Denton Road

I just finished speaking with a planner regarding the changes in land use near Hwy 77 and West Denton Road, and she suggested I write some comments to this address to go into the public record.

My comments are:

The current roads are completely inadequate to support the kind of development being discussed. None of the roads in the area have curbs or shoulders, or are more than two lanes. The Wal-Mart/Menards/Tractor Supply development on Hwy. 2 had a developed 4 lane highway to move traffic in the area, as well as major streets nearby (84th and 70th) to help funnel traffic. None of the roads leading from this area are more than two lanes, so traffic congestion and the possibility of accidents is going to be high without very major changes, not only to West Denton Road, but to Folsom, SW 12th, Old Cheney, etc.

The city routinely builds developments and then goes back to build the roads to support the development. I hope the roads are built first, because the weather we just experienced would be a huge problem with high traffic volumes, no shoulders or curbs on roads, and only two lane roads.

This is now a question. Who do I contact regarding future plans for the Hwy 77 overpass at Warlick Blvd? The city planner indicated this would be built, but didn't specify when this would happen.

Also we have some land on SW 126th St., 1 mile east of the Seward County line in Lancaster County. We are located on a section between West Denton Road and Pioneers Blvd. This portion of SW 126th is 2 miles long, ending at Van Dorn. I am curious if there are any plans to widen or pave this section of SW 126th.

Thanks in advance for letting me know who to contact regarding those two road issues.

Jody Rapp
7510 Lincolnshire Rd.
Lincoln 68506
489-1338